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MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

TUESDAY, DECEMBER 16, 2003  
9:30 A.M.

JAMES F. PETERS, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Jose Medina, Vice Chairperson

Steven R. Jones

Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Michael Bledsoe, Acting Chief Counsel

Tricia Broddrick, Assistant Director

Jim Lee, Deputy Director

Howard Levenson, Deputy Director

Caroll Mortensen, Assistant Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Frank Simpson, Assistant Director

Patty Wohl, Deputy Director

Elliott Block, Staff Counsel

Mark de Bie

Mitch Delmage

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APPEARANCES

STAFF

Jerry Hart

Willie Jenkins

Deborah McKee

Phil Morales

Stacy Patenaude

Terry Smith

ALSO PRESENT

Evan Edgar, California Refuse Removal Council

Mitchel Lansdell, City Manager, City of Gardena

Dr. Manuel Pastor, University of California, Santa Cruz

Rachel Rosner, University of California, Santa Cruz

Terry Tamminen, CalEPA Secretary

Chuck White, Waste Management

Howard Yamaguchi, Weston & McElvain, representing BFI

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1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
3 our meeting to order. And I want to welcome everybody to  
4 our December meeting of the California Integrated Waste  
5 Management Board.

6 Will the secretary please call the roll.

7 SECRETARY WADDELL: Jones?

8 BOARD MEMBER JONES: Here.

9 SECRETARY WADDELL: Medina.

10 VICE CHAIRPERSON MEDINA: Present.

11 SECRETARY WADDELL: Paparian?

12 BOARD MEMBER PAPARIAN: Here.

13 SECRETARY WADDELL: Peace?

14 BOARD MEMBER PEACE: Here.

15 SECRETARY WADDELL: Washington?

16 BOARD MEMBER WASHINGTON: Here.

17 SECRETARY WADDELL: Moulton-Patterson?

18 CHAIRPERSON MOULTON-PATTERSON: Here.

19 If you will join me in the flag salute, I'd  
20 appreciate it.

21 (Thereupon the Pledge of Allegiance was  
22 recited in unison.)

23 CHAIRPERSON MOULTON-PATTERSON: We'll dispense  
24 with ex partes real quickly and then move on.

25 Mr. Jones, do you have any ex partes that haven't

1 been reported?

2 BOARD MEMBER JONES: Just two, Madam Chair. Ken  
3 Hirsh from Halloway on sludge and Ray Scott from the city  
4 of -- or the hauler from Irvine.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
6 Ms. Peace?

7 BOARD MEMBER PEACE: I'm up to date.

8 CHAIRPERSON MOULTON-PATTERSON: I'm also up to  
9 date.

10 Mr. Medina.

11 VICE CHAIRPERSON MEDINA: I just wanted to  
12 report, Mike Sangiocomo, President of NorCal, and Bob  
13 Morales of the Teamsters were inquiring in regard to the  
14 status of the C&D regs.

15 CHAIRPERSON MOULTON-PATTERSON: Okay.

16 Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Yeah, I spoke with Manuel  
18 Pastor of UC Santa Cruz regarding the environmental  
19 justice agenda item, Barry Takallou of CRM, and Bruce  
20 Roberson regarding tire generally and CRM's agenda item up  
21 today. And then also John Cupps, just a meet and greet.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 Mr. Washington?

24 BOARD MEMBER WASHINGTON: I'm up to date.

25 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

1           Well, I have a real great honor today. I invited  
2 our new Secretary of Cal EPA to join us. I wanted to  
3 introduce you to him and tell you a little bit about him.  
4 And then he's going to say a few words to us.

5           When I look at his resume it's just -- you know,  
6 he's certainly qualified and has all the qualifications  
7 for this position. But, wow, how interesting.

8           He grew up in Australia; had career experiences  
9 in Europe, Africa and the United States. He's a United  
10 States Coast Guard-licensed ship captain, has been long  
11 interested in water issues. He managed the largest sheep  
12 ranch east of the Mississippi. Also managed a  
13 multi-million dollar real estate company, had a successful  
14 recreational services business, and assisted the west  
15 African nation of Nigeria with the creation of their first  
16 solid waste recycling program.

17          He's an author. He founded the Santa Monica Bay  
18 Keeper, which is a wonderful organization that I came to  
19 know when I was on the California Coastal Commission. And  
20 he cofounded Water Keeper, which serves -- which has  
21 programs in San Diego, Orange County, Ventura, Santa  
22 Barbara. And he was the Executive Director of Environment  
23 Now, which is in Santa Monica. And that's a foundation  
24 dedicated to the restoration and protection of  
25 California's environment and natural resources. He's

1 served on many, many civic and charitable boards.

2 And I've just got to tell you, he's just a  
3 refreshing breath of fresh air and we're so happy to have  
4 him. He's very anxious to help and very interested in our  
5 board.

6 And, Terry Tamminen, would you please come  
7 forward. And thank you for being here.

8 (Applause.)

9 CALEPA SECRETARY TAMMINEN: First of all let me  
10 shake hands with everybody that I haven't met yet.

11 Hi. Very nice to meet you.

12 CHAIRPERSON MOULTON-PATTERSON: I warned, Terry.  
13 I said this room is like the Supreme Court Justices.

14 CALEPA SECRETARY TAMMINEN: Well, sit down  
15 please. And I'll just stand here. I think you can all  
16 here me. And I'm probably being recorded anyway.

17 This is a great hall. I had the opportunity of  
18 doing the Governor's environmental and economic awards in  
19 here and also speaking to the Air Board in here. So I  
20 love this room.

21 When she said the secretary, please call the  
22 roll, you know, I'm just getting used to the title. I  
23 wanted to jump up at that moment and help out.

24 But it's a great pleasure and an honor to be here  
25 and to meet you all. And look forward to getting to know

1 everybody and to working with the Board. These are issues  
2 that are near and dear to my heart. As you mentioned, I  
3 did work on a glass recycling program for Nigeria, which  
4 was their very first solid waste recycling program that  
5 they ever created. Their was a coup, some -- I guess we  
6 might call it a recall actually.

7 (Laughter.)

8 CALEPA SECRETARY TAMMINEN: -- which led to the  
9 World Bank withdrawing the funding temporarily. And I  
10 came back to the United States. And ultimately the  
11 project did go ahead though when the circumstances there  
12 stabilized. So I'm very proud of that.

13 But there's a lot of issues that you guys work  
14 with. And as I said to the Waste Association the other  
15 day, you guys ought to change your name, you ought to  
16 seriously think about that, to the Resources Conservation  
17 Board or something. I mean the reality is, if you look  
18 at -- you know this better than I do -- if you look at the  
19 trend over the years of what we used to call waste and  
20 that we now call resources that we recover in some way and  
21 utilize in some way, the fact is that what we're calling  
22 waste today is just a resource we haven't yet figured out  
23 how to utilize productively.

24 And so really there is no such thing as waste,  
25 you know, there is no such thing as a way to throw things

1 away, whether you bury them or dump them in the ocean.  
2 There's no "away" any more. We know it all comes back  
3 somehow, either to help us or haunt us. And so the work  
4 of this kind of a board and many of the stakeholders I  
5 think is so crucial in finding ways to take those products  
6 and make them help us instead of haunt us.

7 So I truly appreciate what you do.

8 I've also been looking at things like the tire  
9 recycling issue and seeing that we have this nascent  
10 industry here in California that is trying to utilize some  
11 of these products. And it's struggling with competition  
12 from Canada where it's subsidized. I mean there's things  
13 we need to address and that I know the Governor in  
14 particular wants to help with and see if we can help these  
15 industries turn more of what we call waste into truly  
16 valuable products.

17 So I look forward to working with you. And my  
18 door is always open. We have a Governor who truly gets  
19 and values environmental protection, and particularly this  
20 type of activity where you can demonstrate that a healthy  
21 environment and a healthy economy go hand in hand and that  
22 really to have to choose between those two is an absolute  
23 false choice.

24 So we really look forward to working with you.

25 And if you need anything from me, from the Governor, just

1 ask. My door is always open. And I really thank you for  
2 all of your hard work. The stakeholders as well. I  
3 think, as you mentioned from my background, having been on  
4 that side of the microphone many times, I truly value the  
5 input of the broadest stakeholder community.

6 So my door's always open. And thank you very  
7 much.

8 CHAIRPERSON MOULTON-PATTERSON: Well, thank you,  
9 Terry. And as I told Terry on the way up here, we have  
10 the greatest staff going. They're just an inspiration to  
11 come to work every day. And it's going to be a pleasure  
12 for you to meet them. Very talented, very excited about  
13 what they do in the environment. And so thank you so much  
14 for taking the time. I know you're really busy. And,  
15 yes, we have looked at changing our name, because I don't  
16 think it's a good name. And we should be resources or  
17 something conservation. And we're looking at that. Our  
18 PIO group has -- if we can get permission from the  
19 Legislature, which, you know, is not always easy.

20 CALEPA SECRETARY TAMMINEN: But we'll work on  
21 that, too.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you, Terry.

23 CALEPA SECRETARY TAMMINEN: Thank you very much.

24 CHAIRPERSON MOULTON-PATTERSON: We really  
25 appreciate you coming.



1           CALEPA SECRETARY TAMMINEN: My pleasure. Thank  
2 you.

3           (Applause.)

4           CHAIRPERSON MOULTON-PATTERSON: Okay. We'll  
5 start with our Board member reports.

6           Mr. Jones.

7           BOARD MEMBER JONES: Thanks, Madam Chair. Just  
8 one quick one.

9           I was in Tahoe December 5th at the East-West  
10 Partners Wild Goose Restaurant and Resort. These folks  
11 were one of the WRAP of the Year award winners. But if  
12 you're ever at Tahoe Vista, you may want to swing into  
13 this restaurant. It is a sustainable building. They  
14 built it green. They've done some things in there that I  
15 hadn't ever seen before, using denim -- reclaimed denim as  
16 the insulation, which allowed them the opportunity not to  
17 have to air condition that restaurant.

18          CHAIRPERSON MOULTON-PATTERSON: What's the name  
19 of it?

20          BOARD MEMBER JONES: Wild Goose.

21          CHAIRPERSON MOULTON-PATTERSON: Wild Goose. I  
22 like that.

23          BOARD MEMBER JONES: It's a good restaurant, good  
24 groceries.

25          CHAIRPERSON MOULTON-PATTERSON: Write that down.

1           BOARD MEMBER JONES: And they're developers.  
2 They run a couple of golf courses. They're doing the  
3 work -- the development at North Star. They've got the  
4 restaurant. They've got some other holdings.

5           But they have a real belief that this is the way  
6 that they choose to operate. And they're making money.  
7 They're a prime example of exactly what the Secretary just  
8 said, that these are not exclusive, that they, you know,  
9 both work together.

10           So it was a lot of fun to give that award out.

11           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
12 Jones.

13           Ms. Peace?

14           BOARD MEMBER PEACE: I have nothing to report.

15           CHAIRPERSON MOULTON-PATTERSON: Thank you.

16           Mr. Medina?

17           VICE CHAIRPERSON MEDINA: Nothing to report.

18           CHAIRPERSON MOULTON-PATTERSON: Thank you.

19           Mr. Paparian?

20           BOARD MEMBER PAPARIAN: Thank you, Madam chair.

21           I participated in a few events in the last month.

22           The Industrial Environmental Association of San  
23 Diego held their annual conference, and I spoke on the  
24 E-waste issues to that group.

25           I visited the Inland Empires Utility Agency on

1 December 2nd and toured their new headquarters and  
2 composting operations, both of which are very impressive.  
3 They've really incorporated some innovative features into  
4 their new building and actually got one of the Governor's  
5 environmental awards.

6           One of the things that I learned is that they  
7 actually -- they started out expecting about a 12-year  
8 payback on a lot of the features in the building. And  
9 when they actually got the building operating, they  
10 couldn't believe what they were seeing in terms of the low  
11 energy use, and are now projecting a less than 4-year  
12 payback on the energy efficiency items that they put in  
13 that facility.

14           I visited the Colton Transfer Station. They're  
15 going to be coming up I believe in February with an item  
16 involving a permit. And I'm sure we'll talk about that  
17 more then.

18           The staff held an E-waste stakeholders workshop  
19 on December 11th, which I participated in. It was the  
20 second stakeholder workshop on implementation of SB 20.  
21 And they provided updates on implementation efforts. They  
22 had breakout sessions to discuss various aspects of the  
23 bill and how it's going to be implemented. And I think  
24 the sessions were very well received by those who  
25 participated. There were about a hundred people who

1 showed up, and I understand about 112 people listening in  
2 on the Internet from outside the building.

3 I'd like to really thank the E team, that they're  
4 calling themselves now, for their hard work to put  
5 together the workshop and their continuing efforts to  
6 implement this legislation in a very short timeframe.

7 The people on the E team -- and I hope I'm not  
8 missing anybody -- include Jill Jones, Jeff Hunts, John  
9 Sitts, Claudia Moore, Matt McCarron, Terri Persons, Bob  
10 Conheim, Shirley Willd-Wagner, and Julie Nauman.

11 Did I miss anybody?

12 No. Okay.

13 I'd also like to thank Jackie Sifuentes, Sarah  
14 Weimer, and John Van Dyke for their efforts in supporting  
15 the E team with some of the activities involved with the  
16 workshop on December 11th.

17 And then, finally, I want to thank our computer  
18 staff. I'm actually not sure who all made this happen,  
19 but we all got a note this morning that this room and  
20 actually this floor with all the rooms is now hooked up  
21 for wireless Internet access. And I know Don Dier's  
22 there. I think he's got his laptop up and running right  
23 now. People might start crowding around you, Don, to see  
24 what's up there.

25 But it is -- it's a high speed access you can get

1 into items on the Board agenda as well as the general  
2 Internet while you're here using I think it's the Wireless  
3 G technology. So that I think in the future we'll see  
4 more people maybe paying more attention to their E-mail  
5 and surfing the Internet than to us. Maybe that's not  
6 such a good thing. But I think that in terms of being --  
7 having some ready access to information I think it will be  
8 helpful for stakeholders as well as us.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
10 Paparian.

11 Mr. Washington.

12 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.  
13 Just a few things.

14 I had an opportunity to do several tours. I  
15 toured the Potrero Hills Transfer Station in the Richmond  
16 Landfill, which was an excellent opportunity to see, Mr.  
17 Paparian. At the Richmond Landfill they have set aside  
18 probably about 4,000 computers that they're trying to  
19 figure out their program for dealing with the E-waste  
20 problem. So they are collecting in bulk the E-waste  
21 material down at this Richmond Landfill.

22 I also had an opportunity to present a check in  
23 the amount of \$700,000 to EPC Electronic Corporations in  
24 Los Angeles. And I also had the opportunity to tour their  
25 facility, as well as seeing firsthand what the company

1 does and how they preserve their money. And I want to  
2 thank our Public Affairs Department, specifically Frank,  
3 for doing an excellent job in making sure that that went  
4 off without a hitch. And it was extremely well received  
5 down in Los Angeles. I got a couple of calls from folks  
6 who read it and a couple in the newspapers about what the  
7 Integrated Waste Board is doing to help local companies.  
8 So we really appreciate that.

9           Then I also had an opportunity to visit the  
10 Heritage Baggage Company facility in Rancho Cucamonga. If  
11 Board members had not had an opportunity to visit  
12 Heritage, I would certainly hope that you would get the  
13 opportunity to do so. It was very fascinating to me.  
14 They literally make the plastic bags at their facility  
15 there. And I was just blown away how they operate on a  
16 daily basis with all these big hydraulic heating-type of  
17 machines going.

18           And all it takes is a little break and they have  
19 to start all over. And it's an extremely exciting  
20 opportunity to see them -- the way they make the bags.  
21 And they do it for stores like Sysco -- oh, wow -- I mean  
22 it's just across the board. And the reason you don't know  
23 that it's Heritage Baggage Company is because they put the  
24 company name who buys from them on it. So you won't know  
25 it's them that's doing it, which I found very intriguing.

1           As well as the wine -- little facility they had  
2 there, I had a chance to go downstairs and see some of the  
3 stuff. I don't drink wine. But it was nice to see some  
4 of it. I can give some of it away for Christmas gifts  
5 from them.

6           And then with that, Madam Chair, I toured  
7 Heritage Baggage Company laboratory in Atlanta, Georgia.  
8 There they have their laboratory. I mean it's something  
9 that was phenomenal to see. They have about 24 bottles  
10 where they're testing their own bags to see how long it  
11 takes to dissolve in a landfill. So they have makeshift  
12 landfills set up.

13           And this guy Frank is just one of those guys  
14 that's just totally into this examining stuff. And so I  
15 was in Atlanta and I told him, and he asked me if I would  
16 come over and visit their laboratory. So while down in  
17 Atlanta, Georgia, I visited their laboratory, which was  
18 very exciting to see.

19           And then, finally, Madam Chair, I attended  
20 SWANA's Special Waste Conference in New Orleans. And, my  
21 God, that was probably one of the best conferences I have  
22 ever attended. The E-waste was their topic. And to see  
23 across the country, Madam Chair and members, the type of  
24 enthusiasm that the local municipalities are doing for  
25 E-waste is just phenomenal. Philadelphia had one of the

1 best programs going. They run something like an amnesty  
2 program, where people can bring all of their E-waste. And  
3 they drive up and drop off. And it was just phenomenal to  
4 see the type of response they received.

5 At one point they were very low in their numbers.  
6 And with the amnesty program, their numbers just shot out  
7 the roof. So the conference for two days was totally  
8 exciting for me. And to see the type of work that is  
9 going on for E-waste is very -- it was very exciting to  
10 see that people -- and they're looking to California.  
11 They had a lot of questions. And I wished I could have  
12 turned into Mike Paparian while I was there. I told them  
13 I was Mike Paparian. And they told me I didn't look like  
14 you. But --

15 (Laughter.)

16 BOARD MEMBER WASHINGTON: -- I gave a shot at it.

17 But that was very exciting to be there at that  
18 particular point to see the programs they're doing.

19 And that concludes my report.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you for  
21 representing us, Mr. Washington.

22 BOARD MEMBER WASHINGTON: Thank you.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 Bonnie and I got an opportunity to speak to 1,200  
25 high school students from the Anaheim Union High School on



1 career day. And it was really a pleasure to be with that  
2 many young people and tell them a little bit about all the  
3 opportunities in the environment. And they are so  
4 excited. It just makes me be so -- I get excited every  
5 time I do something with our education -- with schools  
6 because you can see that these kids have grown up with an  
7 environmental ethic. They recycle. They're excited about  
8 it. And they were very interested in finding out about  
9 jobs where they can work and make their living, but also  
10 make a contribution to the environment. So that was  
11 really a lot of fun. I really enjoyed that.

12           Also, on the WRAP of the Year awards, I was able  
13 to give an award to the Blue and Gold Fleet in San  
14 Francisco. And I was very, very excited to give this one,  
15 because I was so glad that they won it before the Red and  
16 White Fleet. As you know, I'm a Cal graduate, and that  
17 rivalry is still there. And, anyway, the Blue and Gold  
18 Fleet was first. And maybe the Red and White will have a  
19 chance next year. But, anyway, that was great.

20           And I just want to say, Piper Miguelgorry -- I  
21 hope I didn't mispronounce your name -- and Roni Java do a  
22 fabulous job on these WRAP of the Year awards, just a  
23 fabulous job. There's so much work that goes into it.  
24 And they really -- I know a lot of people, Frank, from  
25 your group work on it. But they do a terrific job. And

1 it's just a pleasure to go to an event like that and see  
2 all the work that's been done throughout the year.

3 Another very exciting WRAP of the Year award for  
4 me was at the City of Hope. And they're doing wonderful  
5 things at the City of Hope Medical Center. It's actually  
6 the City of Hope National Medical Center and Beckman  
7 Research Institute. They're doing a lot of just  
8 tremendous cancer research there. And as a cancer  
9 survivor, it was really, really exciting for me to be able  
10 to see that -- not only are they doing so much work to  
11 save people's lives. They are doing so many things to  
12 recycle and to reuse, and just really on their way to zero  
13 waste. So those were two very special WRAP of the Year  
14 awards for me.

15 And I did want to say that I -- this will  
16 probably be my last Board meeting as Chair. I, as you  
17 know -- unlike the other boards, Water and Air and so  
18 forth, the Governor does appoint those chairs. As you  
19 know, we are elected by our peers. But I firmly believe  
20 that the administration should have their person as Chair  
21 of this Board. So as soon as the administration makes  
22 their appointment, which will probably be next month -- or  
23 appointments -- I will be stepping down as Chair.

24 And I just want to thank everybody. Certainly,  
25 I'm going to stay on as a Board member and I'll be able to

1 be contributing in that way. But I want to thank  
2 everybody. You have just been a wonderful group. And I'm  
3 very, very proud to have been the first woman Chair of  
4 this Board and I believe the longest serving Chair. So I  
5 just wanted to mention that.

6 And with that, I'll turn the meeting over to Mr.  
7 Leary for his report.

8 Our Executive Director.

9 EXECUTIVE DIRECTOR LEARY: Madam Chair, you  
10 caught me by surprise.

11 CHAIRPERSON MOULTON-PATTERSON: I'm sorry.

12 I wasn't anticipating that announcement before I  
13 began my Executive Director's report.

14 Let me just say though spontaneously on behalf of  
15 all the staff, it's been a pleasure to serve you as Chair  
16 and interact with you as closely as we have.

17 During my tenure as Executive Director, and I  
18 know executive staff shares my sentiment, that you've been  
19 a joy and a treat to work with and a true leader of this  
20 organization.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mark.

22 EXECUTIVE DIRECTOR LEARY: You're welcome.

23 (Applause.)

24 EXECUTIVE DIRECTOR LEARY: Back to the business  
25 of the Board.

1           The legacy of the southern California fires  
2 continues, as you might imagine. There's much cleanup  
3 work. And as your Board and your staff continue to  
4 support the efforts to clean up down there, I need to  
5 begin this morning to update you on the status of  
6 emergency waiver activities for southern California LEAs  
7 in relation to the wild fires.

8           Since my report to you last month, LEAs have  
9 granted emergency waivers to three more landfills: The  
10 West Miramar, Borrego Spring Landfills in San Diego County  
11 and the Puente Hills Landfill in L.A. County; and one  
12 transfer station, the Ramona Transfer and Materials  
13 Recovery Facility in San Diego County.

14           Also since my last report the City of San Diego  
15 LEA has granted a 60-day extension of the emergency waiver  
16 to the operator of the Sycamore Landfill.

17           So as of December 10th the LEAs for the City and  
18 County of San Diego and for L.A. County have granted  
19 emergency waivers for six landfills, four transfer  
20 stations, and five rural bin sites. These waivers, which  
21 were effective for periods ranging from 90 to 120 days,  
22 allow facility operators to expand their hours of  
23 operation, increase the maximum daily tonnages, and allow  
24 for traffic volumes at the facilities which would  
25 accommodate the increased tonnages related to the

1 firestorm cleanup.

2           Secondly, as I know has not escaped the attention  
3 of anyone, the Bureau of State Audits has completed and  
4 released its review of the Crippen site fire incident  
5 early this year and the Board's regulation of construction  
6 and demolition wastes in general.

7           Staff did have an opportunity to review and  
8 comment on the audit report before it was released. And  
9 the final report does include a response to our comments.  
10 We plan to schedule a discussion of the report for an  
11 upcoming Board meeting, as we did for the last audit. And  
12 we will invite the reports' authors to present their  
13 findings to this Board.

14           I want to thank several of you this morning for  
15 the positive comments about our staff. I know it's not  
16 exactly headline news to you and our stakeholders that we  
17 have a talented group of staff here at the Board. And I'm  
18 sure I won't shock you when I say that the talent goes  
19 beyond writing a great agenda item. But I do think it's  
20 particularly noteworthy when a member of our staff earns a  
21 national title in their outside pursuits and maybe even a  
22 magazine cover.

23           DPLA's Kathy Davis has just won the Horse and  
24 Riders Magazine's coveted Rookie-Of-The-Year title at the  
25 2003 National Reining Horse Association Futurity and

1 Championship Show in Oklahoma City.

2 CHAIRPERSON MOULTON-PATTERSON: Great, Kathy.

3 Stand up.

4 (Applause.)

5 CHAIRPERSON MOULTON-PATTERSON: Congratulations.

6 That's wonderful.

7 EXECUTIVE DIRECTOR LEARY: After earning local  
8 and state championships with her trusty horse, San  
9 Francisco Street -- a name I know Mr. Jones and Mr. Medina  
10 will appreciate --

11 (Laughter.)

12 EXECUTIVE DIRECTOR LEARY: -- Kathy went on to  
13 national competition and came home the big winner in her  
14 division.

15 I'm certain that the Board members join me in  
16 saying congratulations to you, Kathy. That's quite an  
17 achievement and we're excited for you.

18 MS. DAVIS: Oh, thank you.

19 CHAIRPERSON MOULTON-PATTERSON: That's great.  
20 Thank you, Kathy. We're really honored.

21 MS. DAVIS: Thank you.

22 EXECUTIVE DIRECTOR LEARY: The talents never  
23 cease around here.

24 Thank you, Madam Chair. That concludes my  
25 report.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 Well, Kathy, that's great. Really wonderful.

3 Thank you.

4 MS. DAVIS: Thank you. It was a real honor.

5 CHAIRPERSON MOULTON-PATTERSON: I'm proud of you.

6 Okay. And now on to our agenda.

7 Item 7, 9, 17 and 25 have been pulled from the  
8 agenda.

9 That's 7, 9, 17, and 25.

10 Sixteen has been deleted from the agenda. Items  
11 3 and 18 were heard at the Committee level only. Items 5  
12 revised, 6, 8, 10, 12, 15, 19 and 24 are proposed for  
13 consent agenda.

14 And the full Board will be hearing Items 1, which  
15 has a second revision, 2, 4 revised, 11, 13 revised, 14  
16 revised, and 26 through 31. Those will be heard by the  
17 full Board.

18 We will be having a closed session to discuss  
19 personnel issues pursuant to Government Code 11126(a)(1);  
20 and litigation matters, which is Government Code 11126(e).  
21 We probably will have it after lunch. We're going to see  
22 how the Board meeting's going. And then I'll talk with  
23 you and see which is the best time for my colleagues.

24 Excuse me. I said -- thank you. I said 19 and  
25 24. It's 19 through 24 on the consent calendar. Let me

1 read those again.

2 Items 5 revised, 6, 8, 10, 12, 15, 19 through 24  
3 are on the proposed consent agenda. And unless I see any  
4 items that need to be pulled, I'll entertain a motion for  
5 the consent items.

6 BOARD MEMBER PAPARIAN: Madam Chair?

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

8 BOARD MEMBER PAPARIAN: I'd like to move the  
9 consent agenda.

10 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
11 motion by Mr. Paparian.

12 BOARD MEMBER JONES: I'll second it.

13 CHAIRPERSON MOULTON-PATTERSON: Seconded by Mr.  
14 Jones to approve the consent agenda.

15 And would you please call the roll.

16 SECRETARY WADDELL: Jones.

17 BOARD MEMBER JONES: Aye.

18 SECRETARY WADDELL: Medina?

19 VICE CHAIRPERSON MEDINA: Aye.

20 SECRETARY WADDELL: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 SECRETARY WADDELL: Peace?

23 BOARD MEMBER PEACE: Aye.

24 SECRETARY WADDELL: Washington?

25 BOARD MEMBER WASHINGTON: Aye.



1 SECRETARY WADDELL: Moulton-Patterson?

2 CHAIRPERSON MOULTON-PATTERSON: Aye.

3 Okay. On our new business agenda items -- before  
4 we begin, Mr. Washington, would you like to give an update  
5 on your committee even though we had to cancel it last  
6 month or --

7 BOARD MEMBER WASHINGTON: Yeah, there's no  
8 update, Madam Chair.

9 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

10 Ms. Peace, your committee was also cancelled. Do  
11 you have a report?

12 BOARD MEMBER PEACE: No, I have no report.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 I've been asked to have Item 30 be heard first --  
15 Item No. 30. Then we will take the rest of the items in  
16 order.

17 So let's begin with Item 30 and then we'll go to  
18 the Permitting and Enforcement portion of our agenda.

19 Ms. Packard, I'm going to turn it over to you.

20 ASSISTANT DIRECTOR PACKARD: Thank you, Madam  
21 Chair.

22 Good morning, Board members. Rubia Packard with  
23 the Policy Office.

24 Our agenda item today is Agenda Item 30. And  
25 that is a presentation by the contractor on best-practices

1 research regarding understanding the community. And this  
2 was Fiscal Year '02-'03 Contract No. C0206.

3 This is an oral presentation to the Board.

4 This contract, just to remind you, is a contract  
5 with UC Santa Cruz to provide the Board with  
6 recommendations on how the Board may effectively increase  
7 participation of community-based groups in the Board's  
8 activities, grants and processes.

9 The contract focuses on identification of key  
10 community-based groups, increasing effective communication  
11 with identified community-based groups, and successful  
12 marketing of the Board's programs and activities in order  
13 to increase public participation and to address the issues  
14 of environmental justice.

15 We have with us today Dr. Manuel Pastor, who is a  
16 professor of Latin American and Latino studies, and  
17 Director of the Center for Justice, Tolerance and  
18 Community at the University of California at Santa Cruz;  
19 and also Rachael Rosner, who's a research associate and  
20 project manager for the Center and project manager on this  
21 project.

22 Dr. Pastor will be starting the presentation.

23 We do have a PowerPoint presentation that was  
24 provided to you -- copies were provided to you and was  
25 placed on the website. It is a lengthy one, and it has

1 been shortened by Dr. Pastor and Rachael. So if you're  
2 trying to follow along on the copy, you might get a little  
3 confused. We did shorten the presentation in the  
4 interests of time. So I just wanted to note that for you,  
5 it is lengthier than the one that you actually received.

6 And with that I'd like to introduce Dr. Pastor.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Welcome, Dr. Pastor.

9 DR. PASTOR: Thank you.

10 (Thereupon an overhead presentation was  
11 Presented as follows.)

12 DR. PASTOR: Good to see you all again.

13 Yes, we were asked to be shorter in our  
14 presentation. And that really offered two strategies.  
15 One was that we could talk really fast. That certainly  
16 was one strategy. However, I actually talk fastest in  
17 Spanish. And I thought that might confuse the Board if I  
18 gave the entire presentation in that language.

19 And the second thing of course was to try to  
20 consolidate the slides and consolidate the message. So as  
21 Rubia mentioned, the presentation that you'll see is not  
22 exactly what's before you but a little bit shorter. So as  
23 we say in Santa Cruz where I come from, just try to be in  
24 the moment with us as we go through this presentation.

25 --o0o--

1 DR. PASTOR: What we're going to do today is  
2 really two things, try to do them as quick as possible.  
3 What is a context for community perceptions around  
4 environmental justice, particularly with regard to issues  
5 that have confronted this Board? And, secondly, what are  
6 some of the best practices and emerging themes in terms of  
7 community engagement strategies around environmental  
8 justice that are emerging both in California and across  
9 the country?

10 --o0o--

11 DR. PASTOR: One important context to note is  
12 that there is actually a fairly well established pattern  
13 at this point of environmental inequity in terms of race  
14 and income for various environmental disamenities in the  
15 state. There are a series of studies that have been done  
16 on toxic storage and disposal facilities, on the toxic  
17 release inventory, respiratory risk indices from  
18 cumulative exposure layers provided by the U.S.  
19 Environmental Protection Agency.

20 So there's a fairly well established pattern, and  
21 that sets the context for community perceptions.

22 --o0o--

23 DR. PASTOR: This shows you, for example, with  
24 some of the most recent data that's available, both the  
25 2000 census track and the 2000 toxic release inventory

1 where facilities are -- again, these are not yours; we'll  
2 come to your facilities in a minute -- where the  
3 facilities are with regard to the darker areas, which are  
4 areas that are more minority or people of color. And you  
5 can see that there's a quite tight visual correlation in  
6 these two main urban areas that we're looking at in this  
7 pullout, San Francisco Bay and, in particular, Los  
8 Angeles.

9 --o0o--

10 DR. PASTOR: And if we look at the demographics  
11 of who's affected in the state by, for example, that  
12 particular kind of environmental disamenity, you can see  
13 that on the left-hand column you've got the demographic  
14 composition of areas or neighborhoods that are not  
15 proximate to a toxic release and the demographics of  
16 neighborhoods that are proximate to a demographic  
17 release -- a toxic release. And what you'll see is that  
18 there's a quite a significant over-representation of  
19 Latinos as well as African Americans. So there's an  
20 established pattern with regard to other kind of sites in  
21 the state. And in fact there's a widespread recognition  
22 of environmental inequity by most Californians.

23 --o0o--

24 DR. PASTOR: This shows you the results of a pole  
25 that was done by the Public Policy Institute of California

1 asking people whether they believe that toxic waste was  
2 more likely to be in minority communities, whether they  
3 believed that environmental benefit, open space and parks,  
4 were less likely to be in minority communities.

5           The two largest groups, the ones which you could  
6 get statistically reliable responses, Latino's and Anglos,  
7 both actually believed that there's environmental inequity  
8 in the state, with Latinos believing it a little bit more.  
9 But it suggested it's really a problem that many  
10 Californians believe exists.

11                               --o0o--

12           DR. PASTOR: So that really sets the context for  
13 the participation of environmental agencies in the  
14 question of environmental justice, both the facts on the  
15 ground and the perceptions that are widely shared that  
16 there's environmental inequity.

17                               --o0o--

18           DR. PASTOR: Now, your particular agency of  
19 course, California Integrated Waste Management Board, is  
20 responsible for this distribution of regulating landfills,  
21 here we have transfer stations, and here we have waste  
22 tire recyclers. And as you know from the last time we  
23 presented a little bit of research on the demographics of  
24 these sites in California, you asked us to do a little bit  
25 more work on that. And I want to report back on that

1 work.

2 --o0o--

3 DR. PASTOR: As you'll recall from the last time,  
4 our basic findings, they're actually kind of interesting  
5 and I think significant for the kind of outreach you want  
6 to be thinking about.

7 First, is that there's a pretty good or clear  
8 pattern that the transfers in waste tire sites are  
9 unevenly distributed by both race and income. So of the  
10 three sort of major things that you regulate, the  
11 landfills, transfer stations, and the waste tire recycling  
12 that's going on right now, certainly both the transfer  
13 stations and the waste tire disposal sites tend to have a  
14 very disproportionate burden for, in particular, Latinos,  
15 but also for African Americans in the state.

16 --o0o--

17 DR. PASTOR: That is not so much the case with  
18 landfills. The landfills and solid waste disposal within  
19 the state seems to be more equitably located. That is,  
20 that the demographic composition of those who live  
21 proximate to landfills is actually not that different  
22 between -- from those who do not live proximate to  
23 landfills. So one would ask then, why is there such a  
24 problem? And there really are two kinds of things I think  
25 that are going on here in terms of perceptions.

1                               --o0o--

2               DR. PASTOR: One is this shows you a graph of  
3 sites that are active and permitted by the California  
4 Integrated Waste Management Board, sites that are not  
5 within one mile of -- or neighborhoods that are not within  
6 one mile of any site, and a lot of sites that are active  
7 but are not actually under your regulation. And there is  
8 a disproportionate concentration of the unregulated sites  
9 in minor neighborhoods. And what happens then is that the  
10 perception of that feeds into the sites' perceptions  
11 around the sites that you regulate as well, whether you're  
12 responsible for that or not, then feeds into the  
13 perception of the community around what the issues are.

14                               --o0o--

15               We were also asked to do -- and I've done a  
16 preliminary one -- but we were asked to do what's called a  
17 multivariate analysis. I don't want to remind you of any  
18 painful undergraduate experiences in a statistics class,  
19 but multivariate analysis means that what you're trying to  
20 do is to control for the effects of various variables at  
21 the same time, income, see whether race still matters once  
22 you've controlled for income, population density.

23               And one of the suggestions that Board members  
24 last time made was to try to control for the degree of  
25 urbanization of an area. And this refers of course not to



1 whether or not there's a lot of Starbucks and therefore  
2 it's very urban, but whether or not it's more of a city.

3 --o0o--

4 If you look at the results for what's called the  
5 logistic regression analysis, that is, for looking at  
6 whether or not the probability of a site is in a minority  
7 neighborhood once you've controlled for per-capita income,  
8 population density, and whether or not the community is  
9 urbanized, two interesting results I want to point out  
10 there.

11 One is that the degree of urbanization does make  
12 a big difference. The landfills tend to be in less urban  
13 areas of course; the transfer stations and waste tire  
14 sites tend to be in more urban areas. So we thank the  
15 Board for pointing out that that was something we should  
16 include in the analysis. And if you were in one of my  
17 statistics classes, I would give you an A for insight and  
18 perception and pointing in the right direction.

19 The other thing that's going on here though is  
20 that for all of the sites, even controlling for per capita  
21 income and population density, the percent people of color  
22 has a statistically significant impact on whether or not a  
23 site is -- happens to be in that particular area.

24 --o0o--

25 DR. PASTOR: So what this implies is that there's

1 both a kind of reality of environmental inequity, there's  
2 a very clear perception of environmental inequity. That  
3 feeds into the perceptions around what should be done  
4 around environmental justice. And what Rachael's going to  
5 talk about is how better outreach and improved community  
6 voice could help with changing both the reality and the  
7 perception.

8 Rachael.

9 MS. ROSNER: Good morning.

10 --o0o--

11 MS. ROSNER: So now that we've revisited some of  
12 the quantitative data that we've heard before, we'd like  
13 to present you some of the key themes that have emerged  
14 from the other research, which has included both talking  
15 with people and a review of the literature on community  
16 participation.

17 We'll provide some examples along the way to  
18 illustrate the themes that have emerged. More detail will  
19 be provided in our final report that's completed at the  
20 end of the contract. But the intention for this as part  
21 of the analysis really is to provide the Board with tools  
22 for applying community and environmental justice  
23 principles.

24 --o0o--

25 MS. ROSNER: I want to remind you a little bit

1 about who we've been talking to. Our last presentation  
2 focused on the first two bullet points there in terms of  
3 who we were talking with. The activists advocates and the  
4 neighborhood grassroots organizations. For this  
5 presentation we focused more on U.S. EPA staff and public  
6 participation professionals both from Cal EPA and other  
7 agencies within and also outside of government. We also  
8 searched literature on community participation that's been  
9 produced by government organizations like the National  
10 Academy of Public Administration, the NEJAC Model Plan for  
11 Public Participation, our own Cal EPA Advisory Committee  
12 recommendation, and the Office of Solid Waste Guide Book  
13 for Effective Public Involvement and many others.

14 --o0o--

15 MS. ROSNER: We saw through the quantitative work  
16 that Manuel presented sort of the overall EJ environment  
17 and perceptions. Now we'd also like to offer two broad  
18 contextual concepts that are important to recognize in  
19 thinking about community participation.

20 While we know community participation can be  
21 difficult at times, it's a process that over time that can  
22 improve. And it can be characterized as both conflicting  
23 and collaborative. Participation is built through  
24 conflict and collaboration. Often times community is  
25 brought into the process during conflict. But as all

1 stakeholders acknowledge, that the process will take time;  
2 and with perseverance and patience they can get through  
3 it.

4           For example, the South Coast AQMD was entrenched  
5 in litigation by community groups not too long ago.  
6 However, through intensive work with the community, they  
7 now have protocols that are agreed upon and an advisory  
8 board that they work with to develop their practices.

9                               --oOo--

10           MS. ROSNER: The second contextual issue is that  
11 there's often a disconnect between what the community  
12 hears and understands and the authority in messages of  
13 multi-tiered agencies. We saw how important it is to  
14 understand how the processes are being perceived before we  
15 can begin to improve or can change it. Dedicating  
16 resources and time to work with local enforcement  
17 agencies, for example, in developing public participation  
18 skills is one way of addressing this issue. We'll mention  
19 other ways as we go.

20           The California Air Resources Board, for instance,  
21 has committed to work with their local air districts to  
22 develop guidelines for implementing EJ-related  
23 legislation. Understanding the roles of the agencies and  
24 boards will be key to the community to understand about  
25 these jurisdictional issues and understanding where to go

1 and helping them address some of the misperceptions.

2 --o0o--

3 MS. ROSNER: This diagram just reminds us what  
4 we're talking about when we refer to community  
5 participation. And what we mean is really what's in the  
6 yellow circle there. Engaging the community is a process  
7 that's built upon having information, building the  
8 capacity to participate fully, and feeling connected to  
9 what's going on. The arrows really can't happen without  
10 the yellow circle in the middle.

11 --o0o--

12 MS. ROSNER: Now to address the question: What  
13 can we actually do about improving community  
14 participation? We look at several tools or mechanisms  
15 that have been used. The first is education. This means  
16 education for community staff and other stakeholders.

17 Making information is certainly the first step to  
18 Educating the public. However, it doesn't automatically  
19 lead to understanding that material.

20 --o0o--

21 MS. ROSNER: A program in Cleveland said that  
22 partners from a neighborhood organization identified  
23 inadequate access to environmental information resources  
24 as the root cause for their lack of participation. This  
25 same project called the Sustainable Partnerships worked

1 with another group called Neighborhood Link to create an  
2 interactive website. They also worked with libraries to  
3 ensure access to the web-based -- the materials that were  
4 posted on the web.

5 The Department of Energy also has another  
6 example. They partnered with Howard University to provide  
7 computers, training and access to communities so they  
8 could get this information electronically.

9 --o0o--

10 MS. ROSNER: Having written materials also  
11 doesn't automatically lead to education either. It needs  
12 to be really understandable and accessible and offered in  
13 different languages and presented in a way that people  
14 don't get lost.

15 In Wisconsin they have a small grants technical  
16 assistance program that's available to groups that need  
17 it. So technical assistance may be necessary for those  
18 with greater needs.

19 --o0o--

20 MS. ROSNER: The second overarching tool we have  
21 identified is what we call marketing. We're getting the  
22 message out to the public.

23 Marketing is used to meet requirements about  
24 informing the public, but it also means them engaging the  
25 public. First, it's necessary to know who your audience

1 is and what are their issues. We're hearing about  
2 coalitions and agencies that are implementing stakeholder  
3 surveys. The State Water Resources Board just began one.  
4 I got it in an E-mail a couple weeks ago.

5           Also, there's another stakeholder survey by the  
6 California Environmental Health Tracking Program, which is  
7 a partnership between DDC, UC, and a couple other groups.  
8 And they are reaching non-governmental organizations and  
9 local health departments to do a needs assessment of their  
10 audience, of their community.

11           Next, a public relations approach to marketing or  
12 simply disseminating information doesn't necessarily  
13 capture the public. In other words, traditional outreach  
14 methods may no longer be effective for all communities.

15           Other approaches that are more responsive and  
16 welcoming will most likely be more successful. Even  
17 something as seemingly small as a timely response to a  
18 query by a community member sends the message that their  
19 voice is being heard. So authentic outreach means  
20 communicating, dialoguing in order to engage the public.

21                               --o0o--

22           MS. ROSNER: The third overarching tool we're  
23 going to -- and the last one -- is diversity. So using  
24 different approaches or combinations of approaches may be  
25 different with different groups. For instance, in the

1 Moffet Field case in September 2002, community members  
2 were very involved in the cleanup process. They were  
3 already very well connected to the community group. They  
4 felt empowered. They're highly educated. It was kind of  
5 a model for the oversight of a hazardous waste cleanup.

6 But other communities may not have these  
7 advantages. They may require targeted or prioritized  
8 efforts in monitoring outreach, programming, et cetera.  
9 Reaching these groups will further environmental justice  
10 work and involve them when they might not necessarily have  
11 been involved before.

12 In Massachusetts they have used their limiting  
13 monitoring resources in a very strategic way. They  
14 prioritize EJ communities in improving the chances for  
15 those communities to be reached. And they also have  
16 regional environmental justice outreach teams that they  
17 have throughout the state.

18 California Air Resources Board has committed to  
19 specific actions that include special air monitoring  
20 studies in communities where EJ or other air quality  
21 concerns exist. So to start targeted efforts can make a  
22 difference.

23 --o0o--

24 MS. ROSNER: Finally, communities are more likely  
25 to participate where they're able to see the impact of



1 their time. So recognizable results such as complaint  
2 resolution protocols and advisory groups will be important  
3 to build community buy-in.

4           It's a multi-step process that can begin with  
5 acknowledging potential problems, building community  
6 capacity, having protocols in place to deal with  
7 complaints that might come up, institutionalizing  
8 community involvement through stakeholder boards or  
9 advisory boards, initiating processes to studying and  
10 explore issues more closely, and developing remedies that  
11 are influenced by the process. And when possible, if  
12 there's some kind of measurable or a monitoring that goes  
13 on, that really helps to show progress. It sends a  
14 message that you can make a difference if you do get  
15 involved.

16           And while some people may seek grander changes  
17 like on a policy level, they also understand, as one  
18 activist told me, it's the beginning of the road and we  
19 have to embark on it together.

20                               --o0o--

21           MS. ROSNER: So just in sum I'm just going to  
22 offer you a list of some of the examples that I've given  
23 as potential tools that have been used and maybe could be  
24 used by this Board at some point.

25           We've talked about the accessible use of

1 technology like with the Cleveland and Department of  
2 Energy example; technical outreach services like the small  
3 grants that are available in Wisconsin; stakeholder  
4 advisory groups like those of the South Coast AQMD;  
5 community-specific research like the needs assessment  
6 surveys we talked about; and complaint resolution  
7 protocols, also used by the South Coast AQMD; and,  
8 finally, a public participation guide. I didn't talk  
9 about that early, but there are guides out there that  
10 outline sort of legislative and enforcement structures  
11 that have an EJ focus, and that really coaches community  
12 members on how they can get involved in decision-making  
13 and monitoring.

14 So these are some examples of what's being used  
15 currently across the country.

16 --oOo--

17 CHAIRPERSON MOULTON-PATTERSON: May I ask a  
18 question now, or do you want me to wait?

19 MS. ROSNER: I've got one little slide. And then  
20 we'll wrap it up.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. Great.

22 MS. ROSNER: So I just also wanted to mention  
23 that while we've done a lot of this national research,  
24 there's a lot of consistency that we've heard here in  
25 California. And so there's many commonalities. And there

1 was a national conference on the subject last summer that  
2 brought EPA representatives from all over the place. And  
3 the results of the conference kind of allowed us to see  
4 how there were a lot of commonalities that are consistent  
5 with here in California.

6           So, finally, I want to conclude with intersection  
7 stakeholders. We began the presentation talking about how  
8 conflict and collaboration are not necessarily exclusive  
9 of each other. And then that will wrap us up with  
10 thoughts on that.

11           DR. PASTOR: This is the cleanup slide. This is  
12 actually an editorial that I wrote back in 1997 when the  
13 environmental justice research was emerging. I was at  
14 that time the columnist for the business page to the L.A.  
15 Times, recognizing that environmental equity actually  
16 makes business sense, that in fact there's some  
17 consistency between trying to make sure that things are  
18 fair and that there is a sense of participation in  
19 community voice and a kind of sustainability that goes  
20 hand in hand or, as the Secretary said, that a healthy  
21 economy and a healthy environment can in effect go hand in  
22 hand.

23           I think the thing that we are really trying to  
24 suggest is that getting the communication up front can  
25 help wind up getting the conflict behind and therefore let

1 projects go forward later in the future. There are  
2 numerous examples of this, but we do really want to open  
3 things up to the questions that the Chairwoman had. And  
4 we thank you for your time.

5 So this is the last slide, which invites you to  
6 ask questions.

7 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,  
8 Dr. Pastor. And I think we'd all like to see a copy of  
9 your article in its entirety. That sounds very  
10 interesting.

11 My question was: Has the South Coast AQMD --  
12 have they done a lot to -- it's sounds like they put  
13 some -- a lot of thought into this and time. Can you give  
14 me how -- do you know much about what they've done in --

15 DR. PASTOR: Yeah. Actually it helps to make the  
16 point about conflict and collaboration. Because the thing  
17 that's encouraging South Coast Air Quality Management  
18 District into action was litigation by Communities for a  
19 Better Environment around the issue of reclaim, which was  
20 a program for recycling old cars, which was the -- which  
21 CBE perceived as creating hot spots in communities because  
22 they were not cleaning up refineries. But instead  
23 refineries would try to do a pollution abatement by  
24 purchasing old cars and taking them off the road.

25 CBE sued, and that got them into a conflict with

1 South Coast Air Management district. But out of that  
2 conflict people got to know each other a lot better. And  
3 what happened was that the Air Quality Management District  
4 began to recognize the problem. They issued environmental  
5 justice guidelines. They'd implemented monitoring  
6 programs to take a look at places that might be hot spots  
7 so they could see whether or not the community's  
8 perceptions that these are hot spots, many different  
9 pollutants coming together, were in fact real.

10 And then they negotiated over the last year or so  
11 with a variety of business stakeholders community  
12 stakeholders what the protocols they're going to have to  
13 study a cumulative exposure, to measure it, to implement  
14 monitoring, and to make sure that the models that they do  
15 that are more broad modeling based on estimates of  
16 pollutants are consistent with hot spots that they in fact  
17 find.

18 So you can see that that process which began with  
19 a conflict has actually turned out to be quite  
20 collaborative and the community actually feels pretty  
21 good. We think it's a pretty good experience and it's one  
22 that we will offer in more detail in the final report that  
23 we give to the Board.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
25 much.

1 DR. PASTOR: It's not to say that everything's  
2 perfect of course. But it's interesting to see that  
3 they've come together on that.

4 CHAIRPERSON MOULTON-PATTERSON: Right.  
5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

7 I was one of the ones who suffered through  
8 statistics in college. I want to make sure I understand  
9 the papers you had about your analysis.

10 I think I heard you say, and it looks like from  
11 the page, that all things being equal, if you have a white  
12 community and a people of color community, the people of  
13 color community is more likely to have the waste facility  
14 or tire site in their community. If everything else is  
15 equal, income -- everything else is equal, the people of  
16 color are more likely to have the sites in their  
17 community.

18 DR. PASTOR: Well, once you've controlled for  
19 income, population density, and whether or not the land  
20 is -- the tract that they live in is designated as being  
21 urban by the census, yes. And that pattern is consistent  
22 with the pattern that we find for transfer, storage, and  
23 disposal facilities, for the facilities that are listed in  
24 the toxic release inventory, and for the pattern around  
25 cumulative exposures in air. In fact, there's been a lot

1 of debate about whether this kind of pattern holds up  
2 nationally. But now the agreement is that while we're not  
3 sure it may hold up nationally, it holds up in California.  
4 There just seems to be disproportionate proximity or  
5 exposure.

6 BOARD MEMBER PAPARIAN: Okay. Because I think  
7 that's going to be critical in terms of our work to  
8 implement some of the environmental justice direction  
9 that's come up to the Cal EPA environmental justice work.  
10 So I thank you for putting that together.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
12 Paparian.

13 Very, very interesting. And we're looking  
14 forward to the final report.

15 I don't see any other questions.

16 So thank you very much for being here. And we're  
17 very, very interested in this, our entire Board is. So  
18 thank you.

19 DR. PASTOR: Thank you. And we'll make sure to  
20 get you the L.A. Times article. Because of course anybody  
21 who writes an article, loves to share it.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

23 Okay. I'd like to call a ten-minute break right  
24 now.

25 Oh, excuse me. Stop, everybody.

1           Evan Edgar -- I apologize, Evan -- would like to  
2 speak on this issue.

3           MR. EDGAR: Chair and Board members. Evan Edgar,  
4 Edgar Associations for the California Refuse Removal  
5 Council.

6           I represent over 50 transfer stations, 50 MRFs,  
7 12 compost facilities, and 12 landfills. And we support  
8 meaningful community outreach. We use a CEQA process to  
9 do that. And environmental equity does make business  
10 sense. We have to do that every day. So we use the local  
11 CEQA. And we're looking forward to guidance on how to do  
12 so. We'd like to implement AB 1497. I've been working  
13 with the planning commission statewide on how to do it --  
14 the local planning commission. They need guidance, too.  
15 So we'd like to work with community outreach, and it does  
16 make some sense.

17           But what I'd like to talk about today are the  
18 patterns of perceptions on TRI. TRI is Toxic Release  
19 Inventory. I was in Kern County back in the late eighties  
20 during the McFarland cancer cluster when we had toxic  
21 releases. And environmental equity based on TRI had some  
22 reality.

23           But what we're doing now is we're opening up the  
24 doors of misperception. And we are the welcoming  
25 committee. And what I mean by that is that we're



1 extrapolating from toxics into recycling, we're taking  
2 inert gas chemistry and making organic compost. Well, in  
3 that, were dry commercial MRFs preparing to do toxic  
4 releases. We're making extrapolations that's a reach with  
5 regards -- from TRI to dried recycling and composting,  
6 it's a stretch. But we're all -- perception is reality.  
7 The reality is giving a permit. We want to get permits,  
8 we want to use CEQA.

9           So with that being said, we need that guidance  
10 because perceptions are hard to overcome sometimes. Even  
11 the quote within the PowerPoint presentations, quote,  
12 landfills and solid waste disposal seem more equitably  
13 located. But perceptions linger and have merit in complex  
14 view.

15           Well, CEQA's complex, local planning's complex,  
16 perceptions linger. But how do we have a meaningful CEQA  
17 guidance document and meaningful public input in order to  
18 get that into our permits?

19           So we look forward to AB 1497. And we never like  
20 to extrapolate too far. But in this case I guess  
21 perception is reality.

22           Thank you.

23           CHAIRPERSON MOULTON-PATTERSON: Thank you. And  
24 again I apologize, Evan, for skipping over you. Thank  
25 you.

1 We will now take a ten-minute break.

2 (Thereupon a recess was taken.)

3 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
4 the meeting back to order.

5 Any ex partes, Mr. Jones?

6 BOARD MEMBER JONES: Just John Cupps.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Ms. Peace?

9 BOARD MEMBER PEACE: I have none.

10 CHAIRPERSON MOULTON-PATTERSON: I have none.

11 Mr. Medina?

12 VICE CHAIRPERSON MEDINA: None to report.

13 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian?

14 BOARD MEMBER PAPARIAN: None.

15 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington?

16 BOARD MEMBER WASHINGTON: Yes, Madam Chair.

17 Mitch Lansdell with the City of Gardena and Jim  
18 Lights, a consultant for the City of Gardena.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 Okay. I will now call on -- we're going into the  
21 permitting and enforcement part of our agenda.

22 And I'll call on Mr. Paparian, the Chair of that  
23 committee.

24 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

25 At the meeting of the Permit and Enforcement

1 Committee earlier this month Mr. Levenson had mentioned in  
2 his Deputy Director's report the implementation of AB  
3 1497. And we had a discussion regarding what happens on  
4 January 1st, when the 1497 kicks in. And my understanding  
5 from Mr. Levenson -- and he may want to add to this -- is  
6 that a public hearing requirement would apply to an  
7 application that was submitted prior to January 1st if  
8 that application is found to be incomplete. So that  
9 someone couldn't skirt around the January 1st requirement  
10 by just slipping in a piece of paper. But if they truly  
11 have a complete application in before January 1st, then  
12 they wouldn't be subject to the public hearing  
13 requirements of AB 1497.

14           Going on to the Committee meeting itself, we had  
15 originally nine items on the agenda. Two were pulled, the  
16 No. 7 relating to the central facility, No. 9 relating to  
17 the Cajon facility. So we really had seven items. Three  
18 we've already dealt with on the consent calendar, two are  
19 on the fiscal consensus calendar, one item comes before  
20 the full Board, and one was actually an informational item  
21 heard in the Committee only.

22           The two items on fiscal consensus are the  
23 contracts for the landfill and disposl site remediation,  
24 and also the new project for the solid waste disposal and  
25 codisposal site cleanup.

1           The one item before the full Board is the Land  
2 Canyon Sanitary Landfill that was not heard in the  
3 Committee because staff was still working on some of the  
4 issues related to the permit.

5           So with that I think we're probably ready to jump  
6 into the agenda.

7           CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,  
8 Mr. Paparian.

9           Mr. Levenson, No. 1.

10          DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
11 Chair. Good morning, Board members. Howard Levenson with  
12 the Permitting and Enforcement Division.

13          And the only -- I would want to just add one  
14 detail to what Mr. Paparian said about AB 1497 and, that  
15 is, that it applies to applications for revisions of solid  
16 waste facility permits. And those that are complete and  
17 accepted after January 1st would be subject to that  
18 requirement, as Mr. Paparian said.

19          I will be very brief. The first two items are on  
20 fiscal consent, as Mr. Paparian indicated. So I will give  
21 a brief presentation. And then if you have any questions,  
22 we have staff available to answer questions.

23          Item 1 is consideration of the contractors for  
24 the Environmental Services Contracts for landfill and  
25 disposal site remediation for the Solid Waste Disposal

1 Site Cleanup Trust Fund, Fiscal Year 2003-2004.

2 This item is requesting that the Board consider  
3 and approve contractors for two environmental services  
4 contracts for landfill and disposal site remediations  
5 under the cleanup program. The purpose of these contracts  
6 is to allow the Board to remediate threats to public  
7 health and safety of the environment at the those sites  
8 that are eligible and in a timely manner.

9 We are proposing two new environmental services  
10 contractors, using monies previously appropriated in the  
11 Solid Waste Disposal Site Cleanup Trust Fund. And we  
12 have -- we did interview five candidates after going  
13 through all the minimum qualifications and scoring for  
14 those who submitted information to us.

15 And, at this point, we are recommending that the  
16 Board approve the award of a contract to the following:  
17 The A.J. Diani Construction Company, Incorporated, and to  
18 the Irv Guinn Construction Company, Incorporated.

19 I also want to note that we did add a phrase and  
20 revised the resolution to indicate that these would be --  
21 the approval of these would still be subject to the  
22 provisions of Executive Order S4-03 and it's related  
23 budget letters regarding freezes on contracting. So we  
24 still are awaiting more information on that.

25 So with that, staff is recommending that the

1 Board approve the proposed contractors and adopt

2 Resolution 2003-502, the revision 2 of that resolution.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

4 I don't see any discussion.

5 Do we have a motion?

6 Mr. Paparian.

7 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

8 I'll move adoption of Resolution 2003-502,

9 revision 2, consideration of contractors for the

10 Environmental Services Contracts for landfill and disposal

11 site remediation.

12 BOARD MEMBER PEACE: Second.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a

14 motion by Mr. Paparian, seconded by Ms. Peace.

15 Please call the roll.

16 SECRETARY WADDELL: Jones?

17 BOARD MEMBER JONES: Aye.

18 SECRETARY WADDELL: Medina?

19 VICE CHAIRPERSON MEDINA: Aye.

20 SECRETARY WADDELL: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 SECRETARY WADDELL: Peace?

23 BOARD MEMBER PEACE: Aye.

24 SECRETARY WADDELL: Washington?

25 SECRETARY WADDELL: Moulton-Patterson.

1 CHAIRPERSON MOULTON-PATTERSON: Aye.

2 Number 2.

3 SECRETARY WADDELL: Wait just a moment.

4 Mr. Washington.

5 BOARD MEMBER WASHINGTON: Aye. I'm sorry.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.

7 Levenson.

8 DEPUTY DIRECTOR LEVENSON: Okay. Number 2 is  
9 consideration of new projects for the Solid Waste Disposal  
10 and Codisposal Site Cleanup Program. And in today's item  
11 we are recommending the approval of one project under the  
12 program's regulatory and funding parameters for the City  
13 of San Francisco for illegal disposal site cleanup.

14 This would be for a total of \$500,000. It's a  
15 Priority A site. And we would be waiving cost recovery on  
16 this.

17 And in this cleanup, which will be the second  
18 such grant that we would have provided to the City and  
19 County of San Francisco, the city is proposing to target  
20 25 chronic illegal disposal sites in the Bay View,  
21 Hunter's Point, Excelsior, and Outer Mission neighborhoods  
22 in San Francisco. Our monies would be spent on actual  
23 site cleanup.

24 And the city also will be funding a variety of  
25 things: Stakeouts, inspections remote camera enforcement,

1 a pilot program. And we have asked and they will be  
2 providing us with information on the effectiveness of that  
3 surveillance camera program in their final report to us.

4 At the Committee meeting, the Committee also  
5 asked that we put in a provision in the resolution  
6 indicating that if any of the public properties that are  
7 remediated with these grant funds are sold within one year  
8 of the cleanup, a portion of the proceeds from the sale  
9 would be remitted to the Board in an amount commensurate  
10 with that expended by the Board to remediate the site.  
11 And that is included in the revised resolution that I  
12 believe you all should have in front of you at this time.

13 So with that, staff is recommending approval of  
14 Option 1 and the adoption of Resolution 2003-503 revised.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Mr. Medina.

17 VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

18 I would like to move this Resolution 2003-503,  
19 revised consideration of new project for the Solid Waste  
20 Disposal and Codisposal Site Cleanup Program --

21 BOARD MEMBER PAPARIAN: Second.

22 VICE CHAIRPERSON MEDINA: -- approving an illegal  
23 disposal site cleanup grant under the program not to  
24 exceed \$500,000 to the City and County of San Francisco  
25 Department of Public Works.



1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 Motion by Mr. Medina, seconded by Mr. Paparian to  
3 approve Resolution 2003-503.

4 Please substitute the previous roll call.

5 DEPUTY DIRECTOR LEVENSON: And that takes us to  
6 the only other item for Permitting and Enforcement, is  
7 Agenda Item 4, the consideration of a revised Full Solid  
8 Waste Facilities Permit (Disposal Facility) for the Lamb  
9 Canyon Sanitary Landfill Riverside County.

10 At the time this was heard at the Committee we  
11 did not have complete information upon which to make a  
12 recommendation. But we are in a position to do that now.

13 And I'll turn the presentation over to Willie  
14 Jenkins.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Mr. Jenkins.

17 MR. JENKINS: Good morning, Madam Chair and Board  
18 members.

19 Also here for this item are Lori Holk and Laura  
20 Wallace of the LEA.

21 The Lamb Canyon Landfill permit was last revised  
22 in December of 2001. The proposed permit revision will  
23 allow the following changes: Increase the tons per day  
24 from 1,900 to 3,000, increase the vehicles per day from  
25 603 to 756, increase the disposal acreage from 137.8 acres

1 to 144.6 acres, increase the permitted disposal capacity  
2 from 8.3 million tons to 13.5 million tons, decrease the  
3 permitted acreage from 1,088 acres to 353.4 acres, change  
4 the permitted depth from 210 feet above mean sea level to  
5 300 feet above or -- 300 feet below ground surface, change  
6 the closure date from 2024 to 2023, and change the hours  
7 of operation as noted in Agenda Item 4, page 3.

8           When Agenda Item 4 was presented at the P&E  
9 Committee, Board staff had not yet completed the analysis  
10 for the proposed project. Subsequent to a meeting staff  
11 conducted with the LEA and Riverside County Waste  
12 Management Department staff received a revised joint  
13 technical document and determined that it's complete.

14           In closure, staff has determined the proposed  
15 permit revision is consistent with state minimum  
16 standards.

17           In addition, the following change was made to the  
18 proposed permit, of which you should have a copy: On page  
19 1 the design capacity was changed to 34,292,000 cubic  
20 yards.

21           In conclusion, staff recommends that the Board  
22 adopt Board Resolution No. 2001-504, concurring with the  
23 issuance of Solid Waste Facility Permit No. 33-AA-0007.

24           This concludes staff's presentation. I can  
25 answer any questions.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
2 Jenkins.

3 I see no questions. Do I have a motion?  
4 Mr. Paparian.

5 BOARD MEMBER PAPARIAN: No, I'm sorry. I just  
6 wanted to ask a quick question.

7 CHAIRPERSON MOULTON-PATTERSON: Okay.

8 BOARD MEMBER PAPARIAN: The last thing you just  
9 said, the 34 million cubic yard design capacity, is about  
10 a 50 percent increase. What's going on there? If I'm  
11 reading it right.

12 The original permit we had had 23 million cubic  
13 yards. And then the revised you just handed us had 34  
14 million.

15 MR. JENKINS: The number that was included before  
16 was just for the waste capacity.

17 This is all air space capacity.

18 BOARD MEMBER PAPARIAN: Okay. So it's not a huge  
19 change in what's going to -- what was expected to happen  
20 at the facility?

21 MR. JENKINS: No.

22 BOARD MEMBER PAPARIAN: Okay.

23 CHAIRPERSON MOULTON-PATTERSON: Did you want to  
24 move it, Mr. Paparian?

25 BOARD MEMBER PAPARIAN: Sure.

1 I'll move Resolution 2003-504 related to the Lamb  
2 Canyon Sanitary Landfill.

3 BOARD MEMBER JONES: Second.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
5 motion by Mr. Paparian, seconded by Mr. Jones to approve  
6 Resolution 2003-504 revised.

7 Please substitute the previous roll call, without  
8 objection.

9 Okay. That brings us to the Sustainability and  
10 Market Development portion of our agenda.

11 And as Chair of that Committee, Mr. Jones, would  
12 you report to us please.

13 BOARD MEMBER JONES: Thank you, Madam Chair.

14 We met on December 9th. We heard 14 items. We  
15 had a presentation on the update of the venues of special  
16 events projects. That was heard in Committee.

17 We actually had 13 items on consent. Two of  
18 those were fiscal consensus. They included the  
19 reappointment of some members to the Loan Committee. A  
20 loan application that we had previously heard and didn't  
21 have a quorum with the Loan Committee, so I had to  
22 continue it. We added two additional WRAP winners. We  
23 talked about two scopes of work, some RPPC compliance  
24 agreements, a five-year review, an NDFE, four base-year  
25 changes. And then one of the items that's been continued,

1 which was a compliance order issued to the city of Arvin,  
2 they've asked to be continued for a month because they've  
3 got some other issues, of which the Board did.

4 So thank you, Madam Chair.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,  
6 Mr. Jones.

7 Okay. Number 11.

8 Ms. Wohl.

9 DEPUTY DIRECTOR WOHL: Good morning, Madam Chair,  
10 Board members. Patty Wohl with the Waste Prevention and  
11 Market Development Division.

12 Agenda Item 11 is consideration of the Recycling  
13 Market Development Revolving Loan Program application for  
14 Crown Poly, Inc.

15 And as Board Member Jones mentioned, you heard  
16 this last month, but we couldn't get a quorum on the  
17 Committee. We have since received approval from the Loan  
18 Committee, as well it was on committee consensus. It's a  
19 loan in the amount of \$340,000. And staff recommends that  
20 the Board approve Option 1 and adopt Resolution No.  
21 2003-519.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

23 With that, I'd like to have a motion.

24 Ms. Peace.

25 BOARD MEMBER PEACE: Okay. I'd like to move

1 Resolution No. 2003-519, consideration of the Recycling  
2 Market Development Revolving Loan Program application for  
3 Crown Poly, Inc.

4 BOARD MEMBER JONES: I'll second it.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
6 motion by Ms. Peace, seconded by Mr. Jones to approve  
7 Resolution 2003-519.

8 Please substitute the previous roll call.

9 Number 13.

10 DEPUTY DIRECTOR WOHL: Yes, Agenda Item 13,  
11 consideration of the scope of work and interagency  
12 agreement for multiple recycled products trade shows for  
13 Fiscal Year 2003-2004, Contract Concept No. 6.

14 This received Committee consensus and was put on  
15 fiscal consensus -- half and half actually. And it's  
16 since been pulled. So depending upon what the Board's  
17 preference is, we can either give a full presentation or  
18 staff's prepared to answer questions.

19 Which would you prefer?

20 CHAIRPERSON MOULTON-PATTERSON: So it's been  
21 pulled?

22 DEPUTY DIRECTOR WOHL: Not pulled. Sorry. It  
23 was pulled off consent.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. I see.

25 DEPUTY DIRECTOR WOHL: I think there's some

1 questions.

2 CHAIRPERSON MOULTON-PATTERSON: I think answer  
3 questions would be great.

4 Mr. Paparian.

5 BOARD MEMBER PAPARIAN: Yeah, thank you, Madam  
6 Chair.

7 Yeah, half the item, as I understood, was on  
8 fiscal consensus to come to the Board, and then the other  
9 half has going to be on consent. But I did want to just  
10 ask a couple questions about this.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. Great.

12 BOARD MEMBER PAPARIAN: I remember -- and I  
13 actually raised some of these questions back in -- three  
14 or four years ago. The idea had been -- and actually if  
15 you look at the agenda items, it suggested this too --  
16 that the trade shows would eventually become  
17 self-sufficient or begin to approach more and more  
18 self-sufficiency. And I think we started out with  
19 something like \$75,000 costs. And now we're up to a  
20 hundred and some thousand dollars costs from the Board for  
21 a \$300,000 cost overall for the trade shows.

22 I'm wondering, are we going to be able to turn  
23 that around? Or are we no longer heading toward  
24 self-sufficiency on these things?

25 DEPUTY DIRECTOR WOHL: I think we've continued to

1 make efforts towards that, and by raising exhibitor fees  
2 and cutting costs. In actuality, I think the very first  
3 funding -- and Jerry probably has the exact numbers -- but  
4 was somewhere around 150,000. Three years ago it was  
5 about 275,000, which was the first time we did a two-day  
6 show. Now, we are attempting to put on a two-day show  
7 for -- I think it's back to 175 again, right?

8           So we've actually been decreasing the costs. So  
9 from the point that it switched to a two-day obviously the  
10 costs changed. But since then to -- that time we have  
11 been ratcheting down. But there probably is maybe the  
12 perception of whether we can ever be totally  
13 self-sustaining. That's probably not an option given that  
14 what we found is almost all shows have sponsorships that  
15 kind of fill in that gap. And although we've attempted to  
16 get sponsorships outside of us, we haven't had as much  
17 luck as we had hoped. And then we even had DGS that was  
18 putting forward a hundred thousand early on, and they  
19 bowed out of that.

20           So I think we have to view, you know, some  
21 portion of our money as sort of a sponsorship money  
22 because of -- you know, we're fulfilling our mission,  
23 but -- yeah, I think we'd be happy to talk about that  
24 further if there's ideas. We try and meet with the Board  
25 members every year and sort of get their input on the



1 sponsorship portion of that money.

2 BOARD MEMBER PAPARIAN: One of the -- you know,  
3 trade shows are not our normal -- our normal mission.  
4 This is a very good trade show. I've certainly enjoyed  
5 the trade show and I think staff's done a very good job  
6 with it.

7 But since it's something that we -- that we don't  
8 normally do in our course of business but rather this is  
9 kind of a specialized thing, do you think it would be  
10 helpful to try to consult with somebody who's more of an  
11 expert in trade shows and how they make them pay for  
12 themselves? Should we look at expending a little bit of  
13 money on somebody who could look at this and -- I think we  
14 have about \$200 per attendee cost.

15 I don't know if that's high or low, if there's  
16 other things we might do to bring in more money, make it  
17 more exciting, bring in more attendees. I don't know what  
18 it could be. But I'm wondering if we ought to consult  
19 with somebody who does a lot of trade shows or somebody  
20 who's an expert in the trade show area who maybe could  
21 help us come up with some ideas which we could look at and  
22 either, you know, take or not take depending on what they  
23 are.

24 DEPUTY DIRECTOR WOHL: Sure. We may be able to  
25 even use -- our current contractor does many trade shows

1 throughout, you know, California. And so we haven't  
2 focused so much on that aspect. So we can spend a little  
3 more time.

4 We did have in the contract that a portion of it  
5 would be to develop a marketing plan for us. And so I  
6 think we're just now getting the fruits of that labor.  
7 And I don't know, have we gotten any insights? Have you  
8 seen a draft of that, Jerry?

9 MR. HART: We have seen a draft. And what the  
10 current contractor's done for us is kind of project his  
11 best estimates on how we should increase the exhibitor  
12 registration fees. And, you know, again improve our  
13 sponsorship revenue generation, because we feel that  
14 sponsorship piece is the big piece. But, you know, I mean  
15 we'd certainly be happy to receive some suggestions and  
16 review of what we have been doing and see. And if there's  
17 a few bright ideas that might help us being in both --  
18 exhibitors. But, again, that all elusive increase in  
19 sponsorship revenue.

20 BOARD MEMBER PAPARIAN: So as I understood it,  
21 Jerry, you were willing to come back maybe in June and  
22 talk about what happened at this upcoming one financially  
23 and give us some more detail on that.

24 I would just suggest, in addition -- and I'd be  
25 happy to work with the staff on this -- if we could

1 perhaps explore and see whether it might make sense to  
2 find somebody who's an expert in this sort of thing. And  
3 if such a person exists, you know, would they be willing  
4 to take a quick look at the April trade show and,  
5 hopefully for not very much money, tell us what we might  
6 be able to do to improve on things.

7 DEPUTY DIRECTOR WOHL: Okay. Sure.

8 CHAIRPERSON MOULTON-PATTERSON: I just wanted to  
9 say this is such a great show and I think it does a  
10 terrific job.

11 It seems like, you know, it rolls around pretty  
12 fast. Has there ever been any thought because of budget  
13 crunches and stuff about doing it every other year?

14 DEPUTY DIRECTOR WOHL: I think all of those are  
15 possibilities, and we could bring those forward. We've  
16 also been doing two-day. This was going to be our second  
17 two-day to decide, okay, what's the merit of that? Should  
18 we go back to a one-day given the situation?

19 I think typically with trade shows people lock  
20 into that yearly process and they kind of set their  
21 calendar. And if you start to skip years, it just loses  
22 that continuity for attendees as well as exhibitors. So  
23 that's usually not the best solution.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

25 We have a number of other Board members that wish

1 to speak.

2 Mr. Jones.

3 BOARD MEMBER JONES: Thank you, Madam Chair.

4 At the Committee meeting we did have a discussion  
5 on this item. And one of the suggestions was -- I agree  
6 with Mr. Paparian. I think we need to -- I think we  
7 probably need to have an agenda item that is going to talk  
8 about -- our staff can survey the past exhibitors in this  
9 show to see what kind of response they've had, what it's  
10 done for them in the marketplace. You know, is it just a  
11 nice place to come for a couple of days and show your  
12 wares to some government buyers? If that's the case,  
13 we're probably not getting the biggest bang for our buck.

14 But I do think we really need to analyze this  
15 thing, because we may be able to take advantage of some,  
16 you know, maybe -- depending upon what's there, I mean we  
17 ought to put everything on the table including ongoing  
18 trade shows and maybe helping recycled content  
19 manufacturers get more exposure into a wider marketplace.

20 But I think we need to have those discussions.  
21 And we need to look at really what makes sense. And  
22 without the follow-up of what are the exhibitors  
23 benefiting from this, then it's just an exercise in  
24 futility, in my view. So I think we need to do that.

25 That was one of the reasons that we changed this

1 in Committee to a one-year contract with an option for two  
2 other years. That gave us -- because we're going away  
3 from the expert that they've just talked about that  
4 they're going to ask these questions of and gone to Sac  
5 State because of the -- some deal that -- I don't know --  
6 because of something, some legislation or something.

7           So we're actually going away from an expert and  
8 going into somebody that's never done this before. So I  
9 think it's appropriate to issue the one-year contract with  
10 the option. But in the meantime have the item come to the  
11 Committee for everybody's involvement to try to see if  
12 maybe we can utilize these dollars more productively for  
13 those entrepreneurs.

14           CHAIRPERSON MOULTON-PATTERSON: I would certainly  
15 be in favor of that.

16           Mr. Washington and then Mr. Medina.

17           BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

18           Very quickly, just in response to that. And  
19 certainly -- I believe it was a year ago when I came to  
20 this Board I met with Patty and Jerry about this trade  
21 show. And the first question I asked them was "What about  
22 sponsorship? And I think the response I got from them is  
23 that the people we regulate, we couldn't go after a  
24 sponsorship from them because of some conflict of interest  
25 or something of that nature.

1           I think that should be explored a little bit  
2 more, because I do believe that if we could set up a  
3 sponsorship of three to five years in, there would be no  
4 conflict of interest. And I think that would resolve your  
5 problem in a nutshell. I think there's some great folks  
6 who do business with this Board who would love to help  
7 sponsor the trade show.

8           And I think, again, we need to take a look with  
9 counsel and whoever we need to meet with to talk about  
10 this to see if there really is a conflict, because I know  
11 there are a number of regulatory companies -- or agencies  
12 who are sponsored by people who they regulate. And it's  
13 just a part of the business that you do.

14           And so I would like to explore this a little  
15 more, Madam Chair. And I'll certainly get involved  
16 personally with it to see if there really is a conflict of  
17 interest there, if we have contracts where people sponsor  
18 three, five years out. I think there's a difference based  
19 on a year-to-year contract versus a three- to five-year  
20 contract agreement in terms of sponsorship. So I would  
21 love to work with you guys on taking a look at that.

22           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr --

23           MR. HART: And there's certainly companies that  
24 offer the potential or, you know, a view that there could  
25 be a conflict of interest. But there's a huge body of

1 companies --

2 BOARD MEMBER WASHINGTON: Those are the ones who  
3 don't want to give money.

4 MR. HART: Well, not necessarily. I think those  
5 are the companies that we just need to spend more of our  
6 time pursuing.

7 BOARD MEMBER WASHINGTON: Well, certainly to give  
8 them a comfort level, that they feel comfortable with  
9 their counsel and whoever else.

10 MR. HART: Sure, sure.

11 BOARD MEMBER WASHINGTON: I think if we look at  
12 this thing, Jerry, and really iron it out, I believe we  
13 could get some sponsorships that you guys don't have to  
14 come and deal with this every year that you -- the trade  
15 show is great. And to whatever extent I could be helpful  
16 in making sure that you guys continue to do the trade show  
17 and take the burden off the Board versus allowing it to be  
18 self-sufficient, I don't think any Board member up here  
19 would not like to see that done.

20 So I think we just open it up and go for it and  
21 see how far we can get in terms of companies and those who  
22 are willing to participate in our trade show.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
24 Washington.

25 Mr. Medina.

1           VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

2           I just want to say that I think the trade show is  
3 very important in regard to the Board being able to carry  
4 out its mission, because I think marketing is key to  
5 getting people to use recycled content materials.

6           I had the opportunity to go through this sort of  
7 a discussion before while I was at CalTrans and  
8 represented the State of California as a member of the  
9 American Society of Highway and Transportation Officials.

10          And ASHTO, as it's called, held a trade  
11 conference every year. The expenses were all covered by  
12 ASHTO. There was a discussion among the transportation  
13 directors and members of the association as to whether  
14 ASHTO should be picking up these costs and could not the  
15 annual trade show be paid for by sponsors and exhibitors.  
16 And in fact that's what happened. That was a transition  
17 that was made. There was an aggressive effort, such as  
18 member Washington suggested, to go out after sponsors and  
19 also to increase the exhibitors' fees sufficient so that  
20 they could make a significant contribution to the cost of  
21 the conference.

22          The issue of conflict of interest came up because  
23 many of these participants of the trade show were persons,  
24 companies that sold transportation equipment to state  
25 departments. But that issue was addressed and ultimately



1 that was resolved in that those companies could be  
2 exhibitors and pay not only an exhibitor's fee, but also  
3 pay a sponsor's fee.

4           There's another organization called the  
5 Association for Public Transit Authorities as well, and  
6 all the cities are represented on this. And they also  
7 have very successful -- a trade show every year. And a  
8 number of the corporations that the cities do business  
9 with are sponsors for the dinners, they're sponsors for  
10 the lunch, and, in fact, also pay an exhibitor's fee.

11           So I think there is a lot of potential in this  
12 area and I think we should just explore it.

13           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
14 Medina.

15           Okay. I think that's all the questions.

16           Can I have a motion?

17           BOARD MEMBER JONES: Madam Chair.

18           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

19           BOARD MEMBER JONES: Thank you, Madam Chair.

20           I will move adoption -- we've got two resolutions  
21 here. So I'll move adoption of Resolution 2003-574,  
22 consideration of the scope of work for multiple recycled  
23 product trade shows, Concept No. 6.

24           BOARD MEMBER WASHINGTON: Second.

25           CHAIRPERSON MOULTON-PATTERSON: Is that the right

1 resolution number?

2 BOARD MEMBER JONES: We have -- yeah, we had two  
3 of them.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Without  
5 objection -- we had a motion by Mr. Jones, seconded by Mr.  
6 Washington.

7 Please substitute the previous roll call without  
8 any objections.

9 BOARD MEMBER JONES: Madam Chair.

10 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

11 BOARD MEMBER JONES: I'd like to move adoption of  
12 Resolution 2003-575 revised -- actually revised twice --  
13 consideration of contractor for multiple recycled product  
14 trade shows interagency agreement, Fiscal Year 2003-4,  
15 Concept No. 6.

16 BOARD MEMBER WASHINGTON: Second.

17 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
18 motion by Mr. Jones, seconded by Mr. Washington.

19 Without objection, we'll substitute the previous  
20 roll call.

21 BOARD MEMBER JONES: Madam Chair?

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

23 BOARD MEMBER JONES: In the "Now, therefore, be  
24 it resolved" it says, "for up to 345,000." That means  
25 that this will be a one-year contract with option years

1 out, okay, for the record.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you  
3 for making that clarification.

4 Okay. On to Item 14.

5 DEPUTY DIRECTOR WOHL: Agenda Item 14,  
6 consideration of concept, scope of work, and contractor  
7 for the Tire-Derived Sustainable Building Product Design  
8 Competition Contract.

9 This item also received consensus from Committee.  
10 If the Board approves this item, the funds required to  
11 fund the competition would be 146,400. This is an  
12 interagency agreement with Cal Expo.

13 Staff recommends that the Board approve Option 1  
14 (NA)and adopt Resolutions 2003-571 and 2003-572, which is  
15 revised with that same contractor language.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
17 Wohl.

18 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

19 Madam Chair, I'll move adoption of Resolution  
20 2003-571, consideration of scope of work for the  
21 Tire-Derived Sustainable Building Product Design  
22 Competition Contract, Tire Management Fund 2003-4.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 I'll second that.

25 We have a motion for Resolution No. 2003-571 by

1 Mr. Jones, seconded by Moulton-Patterson.

2 Please substitute the previous roll call, without  
3 objection.

4 BOARD MEMBER JONES: Madam Chair.

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

6 BOARD MEMBER JONES: I've got a revised one. But  
7 this will also include the language I think about the  
8 executive order --

9 CHAIRPERSON MOULTON-PATTERSON: Uh-huh.

10 BOARD MEMBER JONES: -- right? Okay.

11 It just wasn't on mine.

12 I'll move adoption of 2003-572 revised,  
13 consideration of contractor for the Tire-Derived  
14 Sustainable Building Product Design Competition Contract,  
15 with an interagency agreement to the California Exposition  
16 and State Fair.

17 BOARD MEMBER WASHINGTON: Second.

18 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
19 motion by Mr. Jones, seconded by Mr. Washington.

20 That was Resolution 2003-572 revised.

21 Please substitute the previous roll call, without  
22 objection.

23 And at this time -- that takes care of Item 14 --  
24 we will go to Item 31. And I'm going to be calling on Mr.  
25 Schiavo for this.

1           DEPUTY DIRECTOR SCHIAVO:   Okay.   Good morning.

2           Pat Schiavo, Diversion Planning and Local  
3 Assistance Division.

4           And Item No. 31 is consideration of request by  
5 the City of Gardena for an extension for complying with  
6 findings and order issued pursuant to Compliance Order  
7 IWMA BR 03-02.

8           And Phil Morales will present this item.

9           Thank you.

10          Mr. Morales.

11          MR. MORALES:   Good morning, Madam Chair and Board  
12 members.

13          First of all, I'd like to point out to you you  
14 should have received -- be receiving the revised  
15 resolution.   The numbering was wrong.   It was 2002.   It  
16 should be 2003.

17          On December 11, 2003, late in the afternoon staff  
18 received the needed information from the city in order to  
19 prepare the agenda item.   Staff only had Friday, the  
20 weekend, and Monday to review the material.   Given the  
21 short timeframe to review and analyze and prepare this  
22 item for Board's consideration, the item was not available  
23 till late yesterday.

24          On November 21st, 2003, the Board received a  
25 letter addressed to Mr. Mark Leary, Executive Director,

1 from the City of Gardena requesting a time extension to  
2 the implementation date of programs as noted in the  
3 findings and order issued by the Board at the hearing held  
4 on September 16th, 2003.

5 On November 26th, 2003, staff requested  
6 supporting information in order to review and draft an  
7 agenda item. On December 11th, 2003 staff received from  
8 the city a packet of information in response to staff's  
9 request for supporting documentation.

10 The city's request for a time extension to the  
11 implementation date of January 1st, 2004, for programs is  
12 based on two issues: One, that the city has been served  
13 with a court order injunction that has delayed the  
14 original timetable agreed to by the city for program  
15 implementation at the September 16th hearing.

16 Second, the court order now requires the city  
17 work with several haulers instead of the single hauler as  
18 originally planned. The city believes that this  
19 multiplicity of haulers has also created delays in program  
20 implementation.

21 Though the city has requested a time extension  
22 till April 1st, 2004, for full program implementation, a  
23 review of the documentation does not address why delaying  
24 this implementation until April 1st would be needed.  
25 Rather, it appears that the court order injunction

1 referenced by the city and the action taken by the city  
2 council has delayed the implementation by 41 days.

3           The supporting documentation provided by the city  
4 does not address why program implementation cannot be in  
5 place by April 1st -- or before April 1st. A local  
6 assistance plan is submitted by the city and approved by  
7 the Board staff provided the city would implement these  
8 programs by January 1st, 2004, irrespective of the number  
9 of haulers.

10           It would appear that the court order injunction  
11 delayed the implementation by 41 days. For that reason  
12 Board staff is recommending that the Board grant a time  
13 extension under Option 4 and with the programs noted --  
14 provisions noted and adopt Resolution 2003-576 revised.  
15 Staff recommend the time extension would be only until  
16 February 11th, 2004, and conditioned that the city should  
17 not -- that should the city not need full implementation  
18 of programs by this date, penalties would be assessed from  
19 the original dates as stipulated in the September 16th,  
20 2003, findings and order.

21           This concludes staff's presentation. Are there  
22 any questions?

23           CHAIRPERSON MOULTON-PATTERSON: Thank you.

24           Mr. Paparian has a question.

25           BOARD MEMBER PAPARIAN: Yeah, thank you, Madam

1 Chair.

2 I've looked at the court order and so forth and  
3 the documentation. My basic question is, why couldn't the  
4 city have foreseen that -- you know, that the law allowed  
5 this? Why is this a surprise leading to the need for a  
6 delay in implementation?

7 MR. MORALEZ: I know that Mr. Lansdell is here  
8 from the city to represent the city, the city manager.  
9 Perhaps he can answer that question for you.

10 BOARD MEMBER PAPARIAN: Yeah. And I guess -- I  
11 mean some of it may be a legal question for our staff too,  
12 whether this is -- you know, is this an unusual -- did the  
13 court cite something really unusual in the law that people  
14 wouldn't have normally known about, or is it --

15 CHAIRPERSON MOULTON-PATTERSON: We'll have Mr.  
16 Block briefly address that, and then we'll call on Mr.  
17 Lansdell, and see if that will answer the question.

18 STAFF COUNSEL BLOCK: Elliot Block from the Legal  
19 Office.

20 I'm trying to be as careful as possible in  
21 answering that question. All of the items that were cited  
22 in the court's decision were -- they were based on  
23 statutes in the Public Resources Code. And so in that  
24 sense, I wouldn't say that it's a surprise. There was an  
25 argument that the city presented, and I'm not sure if you



1 want to ask them about that, where they thought they had  
2 complied in another way with those requirements.

3           The recommendation that staff is making for the  
4 additional 41 days is essentially based on the idea that  
5 the city -- the 41 days is actually from the date of the  
6 Board's penalty order until the date that the injunction  
7 was issued. And it's a recognition that a certain amount  
8 of resources had to be diverted on the city's part to  
9 dealing with that lawsuit rather than implementing the  
10 programs.

11           And one of the reasons that the recommendation is  
12 not for the full amount of time requested by the city, to  
13 April 1st, is they are certainly now -- and there's a  
14 period of time now up until January 1st that they are  
15 actively working on that. So that we're not -- we were  
16 trying to calculate out what was a reasonable amount of  
17 time where their resources were really diverted to some  
18 other activity as opposed to simply starting from scratch  
19 on January 1st, so to speak. If you look at the time line  
20 from September 16th -- I'm having a little trouble with my  
21 counting -- it's about two and a half months worth of time  
22 through to January 1st. So they're certainly working on  
23 implementation now.

24           The recommendation is based on really just sort  
25 of that diversion of resources issue as opposed to how

1 long or whether they could do some work now. But I'm sure  
2 the city could provide you with a lot more information on  
3 that.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
5 Block.

6 Mitchell Lansdell, City of Gardena.

7 And we have a couple of other speakers, if  
8 needed, to answer questions.

9 Mr. Lansdell.

10 MR. LANSDELL: Madam Chair, members of the Board.  
11 Mitch Lansdell, City Manager, City of Gardena.

12 First, thank you to the Board and thank you for  
13 the staff for getting this agenda item before you. The  
14 city has since September 16th been diligently working  
15 towards implementing those things that are in the plan.

16 To answer Member Paparian's question whether it  
17 is a legal technical question, I believe that the city  
18 believed at the time we moved forward with the Board and  
19 with the single hauler, that we had complied with all of  
20 the necessary provisions of the Public Resources Code.

21 Unfortunately, for the city at this point, we're  
22 served with a lawsuit and an injunction that gave us four  
23 additional partners to work with in implementing,  
24 extending franchise agreements and implementing the  
25 provisions that were in the local assistance plan.

1           The time period that we requested to April 1st  
2 was essentially the time period that the Board had  
3 originally given me to implement with at that time a sole  
4 provider, Waste Resources of Gardena. We are and have  
5 been working very closely with all of the haulers.

6           Understand, this litigation is not scheduled for  
7 trial until some time in the future, beyond certainly  
8 January 1st. And it's for that reason that we're asking  
9 for that same time period to complete the planning portion  
10 with the haulers that are now our partners and put  
11 before -- and get certainly staff input from the Board on  
12 putting together the things that are necessary to meet the  
13 diversion requirement that the city has of 50 percent.

14           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones has a  
15 question or a comment.

16           BOARD MEMBER JONES: Thank you, Madam Chair.

17           Thank you, Mr. Lansdell.

18           I have a question on -- I think the information  
19 we got was from you on the packet that our staff gave to  
20 all the Board members on all the issues. And I  
21 congratulate you for, you know, the haste that you worked  
22 on it.

23           I also have to tell you I appreciated the answers  
24 on some of those -- or the critiques on some of those  
25 plans. But my question is -- and I don't want to get into

1 the contract stuff, but I want to consider it when I'm  
2 looking at this time extension. Your new partners -- or  
3 your old partners I guess is a better way to say it -- it  
4 looks like you included a 120-day extension of their  
5 permit in with the packet of stuff that we got.

6           So if -- depending upon whatever this thing does  
7 in court, part of the infrastructure that's going to get  
8 put together between now and whatever so that you've fully  
9 implemented all the programs by this date may end up going  
10 away depending upon what that court decision is and at the  
11 expiration of this 120-day continuance on the contracts,  
12 is that -- I mean how do we bridge that? I mean --

13           MR. LANSDELL: The provision in the contract  
14 extension provides 120 days or until final judgment. So  
15 if for some reason we don't get a final judgment in that  
16 120 days, it will continue forward. Obviously, if the  
17 four haulers do prevail, then we'll have them place an  
18 extension that will go forward implementing those programs  
19 that we're working with them on now.

20           BOARD MEMBER JONES: Okay. So this extension  
21 idea of the extra 41 days -- I know the haulers are  
22 probably going to speak, probably have speaker slips in.  
23 But -- because we are looking at fully implemented because  
24 the day of the compliance order that was the document we  
25 had, you know, and that's what we based it on.

1           I don't think it's a bad thing to stay true to as  
2 far as that full implementation. But I'm wondering about  
3 the February date versus the April request of yours. And  
4 I'm a little concerned about just that 120-day extension  
5 and what that does, and if we get real programs -- or if  
6 you get real programs in place and how that -- you know,  
7 how the outcome of that court case may transition.

8           So --

9           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones, did  
10 you have questions?

11          Chuck White representing Waste Management and  
12 Howard Yamaguchi representing BFI, would you like them to  
13 come forward?

14          BOARD MEMBER JONES: No. I'm sure they'll cover  
15 some of this, but --

16          CHAIRPERSON MOULTON-PATTERSON: Well, they just  
17 said they were available if you had questions.

18          BOARD MEMBER JONES: Oh, okay.

19          All right. Yeah, because I'm just worried about  
20 that 120 days. I don't want to see the city hanging if  
21 we're at this February date, because it kind of falls in  
22 between that 120 days. And that's my only concern, you  
23 know. And so I'm just trying to get that straight in my  
24 head, Madam Chair.

25          CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

1           VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

2           Given that Hispanics, African Americans, Native  
3 Americans, Asians, Pacific Islanders make up approximately  
4 88 percent of the city's population, what could you tell  
5 me in regard to the diversity of the staff that's  
6 responsible for implementing these programs for your city?

7           And the reason I bring that up is that in the  
8 previous presentation that we had, just like the City of  
9 El Monte, if the staff that's responsible for implementing  
10 these programs does not reflect the diversity of the city,  
11 then those programs are not going to be effective in those  
12 communities. And if you really want more participation at  
13 the Board level and by community groups, we need those  
14 cities and counties that have diverse populations to have  
15 a diverse staff such that they can get more people  
16 involved in recycling efforts and in waste diversion  
17 efforts. And from that, you'll have more participation in  
18 this area.

19           But what I'm seeing in cities like El Monte and  
20 Gardena is that lacking such diversity or lacking  
21 representation close to what the diversity is in the city,  
22 these cities are not going to be effective in implementing  
23 their programs.

24           CHAIRPERSON MOULTON-PATTERSON: Did you have any  
25 comment, Mr. Lansdell, or wish to answer that question?

1           MR. LANSDELL: What I can say is that Gardena  
2 based on our financial situation over the years has a very  
3 limited staff. Currently, there are two people directly  
4 involved with this. And I am also very involved. But the  
5 two people that are -- would be 50 percent of the people  
6 that are overseeing consolidated waste in the City of  
7 Gardena are minority.

8           CHAIRPERSON MOULTON-PATTERSON: Thank you.

9           Mr. White, did you wish to come forward in case  
10 anyone has any questions?

11          BOARD MEMBER WASHINGTON: Madam Chair?

12          CHAIRPERSON MOULTON-PATTERSON: Oh, Mr.  
13 Washington.

14          BOARD MEMBER WASHINGTON: I didn't have a  
15 question. But while he's coming I just wanted to assure  
16 Mr. Medina that the city's population in Gardena is  
17 probably 75 percent minority. So they do a really good  
18 job with minority population down in the City of Gardena.

19          VICE CHAIRPERSON MEDINA: My concern, Board  
20 Member Washington, is that in cities like Gardena and El  
21 Monte that the staff responsible for implementing these  
22 programs also be diverse. That was not the case in the  
23 City of El Monte. And I don't know what the case is here.  
24 But I would hope that it would be diverse such that it  
25 would --

1 BOARD MEMBER WASHINGTON: Yeah -- No. As a  
2 matter of fact, the management team down in Gardena is  
3 African American and Asian, I believe. So it's very  
4 diverse with this Public Works Department.

5 VICE CHAIRPERSON MEDINA: Well, I'm glad to hear  
6 that. And I hope that given the size of the Latino  
7 population, that it also be reflected in the staffing.

8 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

9 Mr. White, you want to come forward?

10 Does anyone have any questions for Mr. White? He  
11 specifically said he didn't want to speak unless there  
12 were questions.

13 We don't want to encourage him. I'm kidding.

14 (Laughter.)

15 MR. WHITE: I'm just simply here -- Chuck White  
16 with the Waste Management. We're obviously interested in  
17 how this issue progresses. We're here to answer any  
18 questions. I'd be happy to make a presentation if you'd  
19 like. But we're -- we're not taking any position on the  
20 matter really before the Board, but we are obviously  
21 concerned about the ultimate outcome.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Well,  
23 thank you for being here. And also thank you, Mr.  
24 Yamaguchi, for being here for questions.

25 Mr. Jones.



1           BOARD MEMBER JONES:  Madam Chair, just a question  
2 for Mr. White.

3           The city had requested April something.  And the  
4 staff has come up with February 15th or whatever it was to  
5 be in complete, fully implemented status so that these  
6 fines don't kick in.  Is that date consistent with the  
7 plans of the city's new partners in doing full  
8 implementation?  Because I think the city made it clear  
9 that they weren't real programs and not --

10          MR. WHITE:  Well, we've looked at ourselves as  
11 being a full partner of the city all the way along.  
12 Unfortunately we really weren't fully apprised of all the  
13 details of the LAP and the coordination workplan until  
14 about the 1st of November.  And we've been going into  
15 discussions with the city with respect to our contractual  
16 status.  And it wasn't only till last week that we  
17 actually had a continuation contract that Mr. Lansdell  
18 referred to.

19          With respect to -- we're going to do everything  
20 we possibly can to assist the city with respect to those  
21 customers that we provide service to within the City of  
22 Gardena.  We look at the -- as best we can understand the  
23 LAP and the coordination workplan, there are things that  
24 are made the responsibility of the city and there are  
25 things that are made the responsibility of the hauler and

1 the city.

2 For those things for which the hauler is  
3 identified as being responsible, for example, coming up  
4 with a workplan on how 30 percent diversion is going to be  
5 achieved, we immediately in the middle of November  
6 provided a workplan and we're continuing to have  
7 discussions with the city on the details of that workplan.

8 We're fully prepared to divert 10 percent of the  
9 materials that we handle within the city to the  
10 waste-to-energy facility to take advantage of that. And  
11 we're also working diligently to have a multilingual  
12 outreach program going within the city in accordance with  
13 the dates that are in the LAP.

14 There are other things that are the  
15 responsibility of the city, for example -- that they have  
16 asked for our assistance that -- for example, to do a  
17 survey and come up with consultation with our 25 largest  
18 commercial customers within Gardena. We don't believe we  
19 can practically complete that until the end of January.  
20 But we're fully committed to doing that by the end of  
21 January.

22 So with respect to that provision, the February  
23 11th date that you're speaking of would seem to be  
24 appropriate.

25 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,

1 Mr. White.

2 Mr. Yamaguchi, did you wish to add anything?

3 MR. YAMAGUCHI: No.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

5 BOARD MEMBER JONES: Madam Chair?

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

7 BOARD MEMBER JONES: I just want to make sure  
8 that the city manager this February date is -- this  
9 resolution that we received today on the February date is  
10 doable in your mind.

11 MR. LANSDELL: Madam Chair and members of the  
12 Board, I had originally requested the April date based on  
13 the timeframe that the Board gave me originally.

14 All the haulers have been making good -- I think  
15 good faith efforts in trying to reach out. And they  
16 hadn't seen the local assistance plan until that November  
17 meeting with me. And they provided plans, which we  
18 responded to. And we're now back in the timeframe of  
19 negotiating how we actually get those implemented.

20 Certainly all of the haulers have indicated that  
21 they can get part of it done, the studies done and those  
22 things, the 10 percent, that portion done pretty quickly.  
23 And I feel very comfortable about making February by then.  
24 But the programs to get the 30 percent all implemented by  
25 February 11th, I am a little concerned about that. But if

1 that is the wishes of the Board, then my partners and I  
2 will get that done.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 BOARD MEMBER JONES: Madam Chair?

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

6 BOARD MEMBER JONES: Just a question for the  
7 Board members and our staff. If -- I have to tell you,  
8 when I read all this stuff, I really appreciated what the  
9 city's work was in looking at this. It was very clear.  
10 And I met with a lot of folks on this issue. And that --  
11 you know, that 30 percent number is over and above what  
12 the city has already got. And that was I think something  
13 that people didn't always completely comprehend.

14 It almost seems to me, that the city's in a tough  
15 position, the haulers are in a real tough position because  
16 of expending dollars to put programs together that they  
17 don't even know if they're going to recover the dollar or  
18 have any length of time, that maybe we ought to look at  
19 this as the February 11th date is the date that all of the  
20 preliminary work, all of the audits, all of the plan to  
21 get the programs in place be done, and then February  
22 11th -- or March 11th, 2004, 30 days past that date, be  
23 the day that all of the programs are fully operational.

24 That would give people a chance. Mr. Schiavo and  
25 I didn't have a chance to talk about this. I completely

1 understand their logic -- the staff's logic. And I have  
2 no fault with it. I don't even have a problem supporting  
3 it. But I just kind of feel that there is so much  
4 uncertainty as to the business relationship, that they  
5 could get an awful lot done, and I think our staff -- all  
6 I'm talking about is having everything done except the  
7 full implementation of programs by February 11th, with  
8 full implementation by March 11th. That's the only tweak  
9 on this, is that it be two stages.

10 If all of those things weren't done that were  
11 supposed to be done by February 11th, the audits, all  
12 those things, then the fines would kick in, the second  
13 piece of this, the 17 or -- I think the 1700 and something  
14 dollars a day.

15 If they did perform all of the audits and all the  
16 other conditions that our staff recommended and this Board  
17 concurred with on the compliance order, with the exception  
18 of the full implementation of the programs, then we give  
19 them an extra 30 days. Because we're talking about bins  
20 and programs of -- you know, actually getting things to  
21 businesses. Because I think the haulers were a little  
22 surprised that it was that -- you know, they couldn't use  
23 the documentation as much as the real programs. So I  
24 think that that other 30 days would make sense to me just  
25 from a standpoint of timing.

1 I don't know. I throw that out on the table for  
2 people to agree, disagree, or talk about. I don't --

3 CHAIRPERSON MOULTON-PATTERSON: I don't see any  
4 visible disagreement.

5 Would you like to make a motion?

6 BOARD MEMBER JONES: Okay. Can I just ask one  
7 question? I'll do it real quick.

8 CHAIRPERSON MOULTON-PATTERSON: Certainly.

9 BOARD MEMBER JONES: Mr. Schiavo, is that  
10 manageable for you? All of the issues except that finding  
11 of full implementation of programs to be done by February  
12 11th, 2004, and then the actual going out to making sure  
13 that all these programs are in place would happen March  
14 11th, 2004, is that reasonably consistent and manageable?

15 DEPUTY DIRECTOR SCHIAVO: Sure, that would be  
16 fine. Yeah, we could do that.

17 BOARD MEMBER JONES: Elliot, is it okay?

18 STAFF COUNSEL BLOCK: It's okay, whatever the  
19 Board would like to do. The only clarification I'd ask  
20 is, if you do that, on the off chance that implementation  
21 doesn't occur, what date would you want the fine to accrue  
22 from? January 1st still or February 11th or --

23 BOARD MEMBER JONES: January 1st. We'll start  
24 accruing from January 1st. They get it done, everything,  
25 we kick them in at the first -- the first report card is

1 going to be February 11th. But those fines will start  
2 effective January 1st, the way the Board had said it.

3 But that'll be the first report card. The second  
4 report card on March 11th. That'll give everybody a  
5 chance to get some stuff done.

6 Does that work Madam Chair?

7 CHAIRPERSON MOULTON-PATTERSON: Yes.

8 BOARD MEMBER JONES: Okay. Madam Chair, I'd like  
9 to make a motion to move adoption of Resolution 2003-576,  
10 consideration of the request by the City of Gardena for an  
11 extension for complying with findings and orders issued  
12 pursuant to Compliance Order IWMA BR 0302, revised to  
13 include the prior conversation, that fines will start --  
14 we'll do our first report card on February 1st, 2004, on  
15 everything in the LAP in the compliance order with the  
16 exception of full implementation of programs. Those  
17 fines, if they are triggered, will be effective -- will go  
18 back to January 1st, 2004, and then folded. And then on  
19 March 11th, 2004, our staff will do an inspection to make  
20 sure that the programs are fully implemented.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
22 Jones.

23 I'll second --

24 BOARD MEMBER WASHINGTON: Second.

25 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington

1 will second it.

2 DEPUTY DIRECTOR SCHIAVO: I just want to clarify.

3 I thought I heard February. And I just want to confirm

4 that it's February 11th.

5 BOARD MEMBER JONES: I'm sorry. February 11th.

6 Thanks, Pat.

7 CHAIRPERSON MOULTON-PATTERSON: We have a motion

8 by Mr. Jones, seconded by Mr. Washington to approve

9 Resolution 2003-576 with the revisions.

10 Please call the roll.

11 SECRETARY WADDELL: Jones?

12 BOARD MEMBER JONES: Aye.

13 SECRETARY WADDELL: Medina?

14 VICE CHAIRPERSON MEDINA: Aye.

15 SECRETARY WADDELL: Paparian?

16 BOARD MEMBER PAPARIAN: Aye.

17 SECRETARY WADDELL: Peace?

18 BOARD MEMBER PEACE: Well, I'd just like to say

19 one thing, that the city was told on numerous occasions

20 that it could not lawfully bar the haulers from doing

21 business in Gardena; but they went ahead and they did it

22 anyway. So they put themselves in this position. And I'm

23 just going to say I will vote for this, I'll vote aye, but

24 I won't be voting for another extension. This is it for

25 me. So aye.



1           CHAIRPERSON MOULTON-PATTERSON: Thank you.

2           SECRETARY WADDELL: Washington?

3           BOARD MEMBER WASHINGTON: Aye.

4           SECRETARY WADDELL: Moulton-Patterson?

5           CHAIRPERSON MOULTON-PATTERSON: Aye.

6           Mr. Paparian.

7           BOARD MEMBER PAPARIAN: Yeah, Thank you, Madam

8 Chair. I wanted to say something similar also to Mrs.

9 Peace.

10           I want to be clear that the delay here shouldn't  
11 reflect on the -- shouldn't reflect on the haulers. I  
12 think that from what I have seen and what I know, the city  
13 should have foreseen the circumstance that they're in now.  
14 As I read the law, it seems to be pretty clear. So I  
15 would hate to have this in any way ever construed as being  
16 a negative on the haulers that are challenging things down  
17 there.

18           CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
19 With that, we're going to have our lunch break now. We'll  
20 come back at 1:15.

21           And I think it's my intention we'll have our  
22 closed session at the end of the meeting.

23           So if everybody could be back at 1:15. Will that  
24 give you enough time?

25           One thirty, I'm hearing. Do you need 1:30?

1           Okay, 1:30.

2           (Thereupon a lunch break was taken.)

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1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: I'd call our  
3 meeting back to order please.

4 Mr. Jones, any ex partes?

5 BOARD MEMBER JONES: No, Madam Chair.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Ms. Peace.

8 BOARD MEMBER PEACE: I'm up to date.

9 CHAIRPERSON MOULTON-PATTERSON: I'm also up to  
10 date.

11 Mr. Medina.

12 VICE CHAIRPERSON MEDINA: None to report.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Just said hello to John  
16 Cupps.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 This brings us up to the Special Waste portion of  
19 our agenda.

20 And we'll go straight to No. 26.

21 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

22 Good afternoon, members of the Board. My name is Jim Lee  
23 with the Special Waist Division.

24 Board Item 26 is consideration of the renewal and  
25 issuance of a Major Waste Tire Facility Permit for CRM

1 Company, LLC in Los Angeles County.

2 Terry Smith will make the staff presentation.

3 CHAIRPERSON MOULTON-PATTERSON: Good afternoon.

4 MR. SMITH: Good afternoon.

5 Item 26 regards the consideration of the renewal  
6 and the issuance of a Major Waste Tire Facility Permit for  
7 the CRM facility.

8 And I'd like you to note that on the last page of  
9 this agenda item where we state that there's no letters of  
10 support, after we wrote that item and turned it in, we got  
11 some letters and we've just distributed those out, letters  
12 of support for the project.

13 CRM is one of the most, if not the most,  
14 successful crumb rubber operations in the state. The  
15 operator estimates that they have processed over 16  
16 million passenger tire equivalents at the CRM facility  
17 over the past five years of operation.

18 With our PowerPoint presentation today we'd like  
19 to take you on a quick tour of the CRM facility. Although  
20 the processing portion of this facility is not regulated  
21 by the waste tire facility permit, we feel it prudent  
22 because the Board's involved in recycling, and the efforts  
23 that we make here are to make sure that the tires are  
24 reused.

25 --o0o--

1           MR. SMITH: First off, the tires arrive at the  
2 facility and they're weighed in and the manifests are  
3 completed at this area.

4                               --o0o--

5           MR. SMITH: Next the tires are taken to the  
6 storage area that -- actually this what -- this is part of  
7 what we do as far as a waste tire facility permit. We  
8 regulate the storage of these tires.

9                               --o0o--

10          MR. SMITH: They drop off the tires here, and  
11 then they have a bobcat come by and pick them up and take  
12 them to the conveyor.

13          You notice the smile on this guy's face.

14                               --o0o--

15          MR. SMITH: I think it's because he's piling up  
16 so much work for this guy.

17          He's got a lot of tires in there. He's got to  
18 single -- you know, get them single file going up the  
19 conveyor. They're going to be shredded.

20                               --o0o--

21          MR. SMITH: Here's a pile of primary shreds.

22                               --o0o--

23          MR. SMITH: Actually the shredder takes them down  
24 to two-inch chips. And then after they're down to  
25 two-inch chips they granulate -- they use granulation to

1 further reduce them in size.

2 --o0o--

3 MR. SMITH: And partially separates the steel,  
4 reduce it down -- clear down to three quarter inches.

5 --o0o--

6 MR. SMITH: Here's a picture of that close up.

7 --o0o--

8 MR. SMITH: And then they go -- the tires or the  
9 material goes through secondary granulation where it's  
10 reduced clear down to 3/8 of an inch. And the fiber still  
11 is separated from the material.

12 --o0o--

13 MR. SMITH: And next it goes to the grinding  
14 process. And during this whole operation there's airborne  
15 particulates that could be distributed throughout this  
16 facility. But they have a pretty elaborate dust  
17 collection system. You see it there on the right.

18 --o0o--

19 MR. SMITH: Here's a bigger picture of it.

20 --o0o--

21 MR. SMITH: After it goes through grinding and  
22 sizing it's ready to be shipped out. They make it in  
23 various different sizes. And then it goes to the bagging  
24 department.

25 --o0o--

1           MR. SMITH: In the bagging department it's put in  
2 these big white bags you'll see to the left.

3                               --o0o--

4           MR. SMITH: These bags are filled up. Usually  
5 they're stored indoors. But these that are outdoors here  
6 are getting ready to get shipped out.

7                               --o0o--

8           MR. SMITH: And then they are getting ready to  
9 leave.

10           So here we're seeing the transformation of waste  
11 tires into crumb rubber.

12                               --o0o--

13           MR. SMITH: And now it brings us back to this  
14 permit renewal. We regulate the storage of tires. And  
15 this permit, if we're storing -- a major waste tire  
16 facility permit is required when an operator stores 5,000  
17 or more tires.

18           CRM was first permitted with a major permit to  
19 store up to 80,000 waste tires on January 27th, 1999.

20           Waste tire facility permits expire every five  
21 years after the date of issuance or renewal or most recent  
22 revision.

23           Waste tire operators are required to renew their  
24 permits before the permits expire. And that's what's  
25 going on here. CRM's permit expires January 27th, 2004.

1           When the Board receives a waste tire facility  
2 permit, we stamp it with the date of receipt. And we have  
3 30 days to review the application package. We either  
4 accept or reject the application within 30 days. And  
5 after we accept the application we have -- the Board has  
6 180 days to either issue or deny the issuance of the  
7 permit.

8           It's not uncommon for the Applicant to waive the  
9 time lines so they can complete their package. A lot of  
10 time it's hard to get the fire department and different  
11 components of it together.

12           Our review is completely dictated by Title 14  
13 Section 18431. This section contains a list of  
14 requirements that must be satisfied prior to accepting the  
15 application.

16           For major waste tire facility permits the  
17 applicant's required to turn in a permit application, Form  
18 500, which has general site information and general owner  
19 and operator information. They're also required to turn  
20 in an operation plan, which is Form 501. First one was  
21 Form 500.

22           The operation plan has details of the storage of  
23 tires. And it has to have enough detail to show us that  
24 the operation is going to meet the requirements -- meet  
25 the standards that are set forth in the laws and



1 regulations.

2           Suppose to turn in a complete environmental  
3 information form, Form 502. This gives us information to  
4 make a determination as to what's required as far as the  
5 California Environmental Quality Act is concerned.

6           A complete Waste Tire Facility Emergency Response  
7 Plan, Form 503, is also required. And this lists  
8 emergency contacts, equipment, and outlines the operator's  
9 plan and procedures that are in place to take in case  
10 there's an emergency, a fire or something like that.

11           These emergency response plans are supposed to be  
12 sent to the fire department as well.

13           Supposed to have a complete closure plan.  
14 Enclosure plan actually tells us -- describes how they're  
15 going to close the facility, and includes a cost estimate  
16 on how much it would cost to have a third party clean up  
17 all the tires that are stored at the site.

18           A reduction and elimination plan is also  
19 required. And this is simply a plan that shows how  
20 they're going to remove the tires under planned or  
21 voluntary shutdown of the facility.

22           Financial assurance mechanism funded to an  
23 adequate level is required. The level of the financial  
24 assurance mechanism is based on closure cost estimates  
25 that was in the closure plan.

1           And also operating liability insurance, which is  
2 basically pollution insurance, is required. And this  
3 pollution insurance is a minimum coverage. I think if  
4 they have less than 200,000 tires, they have to have  
5 \$500,000 worth of insurance. It's for externalities  
6 involved in. -- externalities as a result of a fire or  
7 other hazards.

8           They're also supposed to turn in verification  
9 that all applicable local, state, and federal approvals  
10 have been acquired, including a California Environmental  
11 Quality Act, local fire and vector control approvals, and  
12 any other local, State, or federal requirements pertaining  
13 to the tire storage.

14           The Board also conducts a pre-permit inspection  
15 of the facility to verify compliance with waste tire  
16 storage and disposal standards and any specific permit  
17 conditions or terms of the permit that may be in the  
18 permit.

19           Staff has reviewed CRM's application package and  
20 has inspected the facility, and has determined that all of  
21 the requirements that I've mentioned have been satisfied.  
22 Therefore, staff recommends that the Board adopt Permit  
23 Decision No. 2003-496, approving the permit renewal and  
24 issuance of Major Waste Tire Facility Permit No.  
25 19-TI-0841.

1           Mr. Barry Takallou is present representing CRM  
2 and available to answer any questions you may have.

3           And this concludes my presentation.

4           CHAIRPERSON MOULTON-PATTERSON: Thank you very  
5 much.

6           I see no questions.

7           I've personally visited this tire facility and  
8 have been very impressed with what I saw.

9           And with that I will ask for a motion.

10          Mr. Jones.

11          BOARD MEMBER JONES: Thank you, Madam Chair.

12          I'll move adoption of Resolution 2003-496,  
13 consideration of the renewal and the issuance of a Major  
14 Waste Tire Facility Permit for CRM Company, LLC, Los  
15 Angeles County.

16          BOARD MEMBER PAPARIAN: Second.

17          CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
18 motion by Mr. Jones, seconded by Mr. Paparian, to approve  
19 Resolution 2003-496.

20          Please substitute the previous roll call, without  
21 objection.

22          BOARD MEMBER JONES: Madam Chair?

23          CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

24          BOARD MEMBER JONES: Just very quickly, just  
25 on -- while Mr. Takallou is here.

1           The Board helps sponsor through the L.A. and  
2 Northern California rubberized Asphalt Centers training of  
3 public work staff, road staff as well as elected officials  
4 up and down the state -- RPA. And those centers do it.  
5 I've been fortunate enough -- I think you sent me once and  
6 I had to go another time to be a speaker there.

7           Just so the record knows, Mr. Takallou is at  
8 every one of those things as the presenter to talk about  
9 how they make crumb rubber and what it's -- how that  
10 chemically gets -- how that product ends up getting  
11 blended into rubberized asphalt. And it's important  
12 because in a lot of cases those programs are doing exactly  
13 what this Board wanted, getting folks to be more familiar  
14 with rubberized asphalt on a local level.

15           So while we were on the record, I thought I would  
16 let all the members know -- I think I've said it before --  
17 but Mr. Takallou is at those events every time and  
18 provides that expertise. So I thought I would give him  
19 his kudos.

20           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
21 Jones.

22           Okay. And we will go to Item 27.

23           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

24           Board Item 27 is consideration of scope of work  
25 for civil engineering applications, research and

1 construction management using shredded tires contract;

2 Tire Recycling Management Fund, Fiscal Year 2003-2004.

3 Stacy Patenaude will make the staff presentation.

4 MS. PATENAUDE: Madam Chair, members of the  
5 Board.

6 The item today is consideration of scope of work  
7 for the civil engineering applications, research and  
8 construction management using shredded tires contract.

9 Under this contract Board staff continue to  
10 support construction oversight, engineering and training  
11 support and, if necessary, shredded tire material for  
12 selected engineering projects.

13 This contractor will supply all these types of  
14 services and in addition to things that are coming up on a  
15 daily basis.

16 The revised five-year plan allocated \$500,000  
17 from Tire Recycling Management Fund for Fiscal Year  
18 2002-2003.

19 The chosen contractor would continue to assist on  
20 existing projects in which the Board has partnered with  
21 the California Department of Transportation. The  
22 contractor will work closely with CalTrans and the Board's  
23 Engineering Environmental Services Contractor, Dr. Dana  
24 Humphreys to incorporate tire shreds as light-weight fill  
25 material -- as light-weight fill material and to help

1 CalTrans incorporate this material in their standards  
2 specifications manual.

3           Some of the examples of projects that tire shreds  
4 have been used using this contract -- used in using this  
5 contract is the Dixon Landing/880 Interchange Project in  
6 which 660,000 tires were used; the Route 91 Project in  
7 Riverside, which was completed this year, in which 84,000  
8 tires were used as light-weight fill. And later on next  
9 year proximately 600 to 800,000 tires will be used as  
10 light-weight fill behind a retaining wall in Riverside  
11 County.

12           This contract will allow the Board to continue  
13 its effort to develop viable markets for the use of  
14 shredded tires.

15           Staff would like to recommend the approval of  
16 Resolution 2003-479 for the proposed scope of work for the  
17 Civil Engineering Applications, Research and Construction  
18 management Using Shredded Tires Contract.

19           If there's any questions, I'd be happy to answer  
20 them.

21           CHAIRPERSON MOULTON-PATTERSON: Thank you.

22           I see no questions.

23           May I have a motion?

24           Mr. Jones.

25           BOARD MEMBER JONES: Madam Chair, I'll move

1 adoption of Resolution 2003 -- did you want to --

2 CHAIRPERSON MOULTON-PATTERSON: Oh, okay. Sorry.

3 Ms. Peace.

4 BOARD MEMBER PEACE: Okay. So this is a pilot  
5 project. Is there -- and we've done several pilot  
6 projects before with crumb rubber and shreds.

7 Is there any sort of ongoing analysis on how  
8 these projects perform or hold up?

9 MS. PATENAUDE: Right. The Dixon Landing  
10 Interchange project, we have approximately 30 sensors in  
11 it for temperature and settlement -- well, we used to have  
12 settlement plates, but they've been damaged. And we're  
13 monitoring that for temperature.

14 The 880 Interchange -- or I mean the Route 91  
15 project, we installed pressure cells, temperature cells,  
16 stress-strange gauges in the wall, and tilt meters. That  
17 is -- I mean we're actually going to be out wiring it  
18 tomorrow, so to gather that information to give to  
19 CalTrans to further the redesign of their current  
20 retaining walls.

21 The idea behind the Route 91 project and the  
22 other projects for the retaining walls is to demonstrate  
23 to CalTrans by using tire shreds as a light-weight fill,  
24 that tires exert about half the soil pressure -- half the  
25 pressure that soil does. Therefore, CalTrans can reduce

1 the cross-section of a wall. And right now analysis looks  
2 like we can save up 30 percent the amount of steel and  
3 concrete that goes into a wall. And then CalTrans can  
4 save money on the actual construction of future retaining  
5 walls.

6 So we're working on those projects right now to  
7 develop this information for CalTrans. It's been done in  
8 other states. Dr. Humphreys has done this in numerous  
9 other states. But CalTrans wants it done here in  
10 California to demonstrate to them that this occurs here.

11 So we are collecting data ongoing to demonstrate  
12 to CalTrans. And they are definitely acknowledging the  
13 cost savings that this can bring to them.

14 BOARD MEMBER PEACE: At some point when the  
15 analysis shows that it works and that it's saving money,  
16 then hopefully CalTrans will do this on their own without  
17 grants from us?

18 MS. PATENAUDE: Right. The 880 project, it  
19 worked fine. I mean they've got a bridge abutment up  
20 against it. And they'll probably pave it any day now.  
21 There's no indications that it doesn't work. It's just  
22 finding projects. And getting throughout the entire  
23 CalTrans organization, basically have to go from district  
24 to district to pitch how well this works.

25 And then some -- we happen to have been kind of



1 befriended by some design engineers here in Sacramento.  
2 And they've been finding some projects for us to work on.  
3 And it's kind of difficult to find those projects for  
4 ourselves. So they -- I think they know it works. It's  
5 just getting each individual district to take the step  
6 forward to do something different.

7 CHAIRPERSON MOULTON-PATTERSON: It seems to be a  
8 slow process, I know. Mr. Medina and I have certainly  
9 tried and continue to keep trying.

10 BOARD MEMBER PEACE: Yeah, if CalTrans sees us as  
11 a cost savings and something that really works, why do we  
12 keep paying for it? I mean at some point will CalTrans --

13 MS. PATENAUDE: We're hoping -- we don't -- I  
14 think we're getting there. We've paid for two projects.  
15 The Route 91 was basically a test. The second -- well, we  
16 probably have two more projects to demonstrate to them the  
17 actual cost savings, where they build it and they have --  
18 you know, save money on the construction of a wall even  
19 after paying for the tire material.

20 We haven't -- as far as Dixon Landing, they  
21 understand it was a savings. It worked well. And we just  
22 haven't seen any further projects come forward that they  
23 use -- they've asked to use tires for.

24 DEPUTY DIRECTOR LEE: If I could add to that  
25 response too, Ms. Peace.

1           I understand I think, you know, the thrust of  
2 your questions. You know, we're providing, in essence, a  
3 subsidy. But it's something -- it's for research and work  
4 that we feel is one of the more promising avenues for use  
5 of waste tires. And while we've got a couple of, you  
6 know, success stories which we related to you today, the  
7 Route 91 project and the Dixon Landing projects, among  
8 others, we don't feel we're at the stage now where, you  
9 know, we feel we can just, you know, totally withdraw our  
10 financial support. I think we're closer to that point on  
11 civil engineering than we are in some other areas, you  
12 know, that we're currently financially supporting. But we  
13 feel this is promising. We want to continue the  
14 initiative and the momentum that's been built up with  
15 this. And we feel at this particular juncture, you know,  
16 continued Waste Board support is, you know, critical to  
17 advance this issue.

18           BOARD MEMBER PEACE: Okay. Thank you.

19           CHAIRPERSON MOULTON-PATTERSON: Thank you Mr.  
20 Lee.

21           Mr. Jones.

22           BOARD MEMBER JONES: Thank you, Madam Chair.

23           I'll move adoption of Resolution 2003-497,  
24 consideration of scope of work for Civil Engineering  
25 applications, research, and construction management Using

1 Shredded Tires Contract, Tire Recycling Management Fund,  
2 Fiscal Year 2003-4.

3 VICE CHAIRPERSON MEDINA: Second.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
5 motion by Mr. Jones, seconded by Mr. Medina to approve  
6 Resolution 2003-497.

7 Please substitute the previous roll call.

8 Item No. 28.

9 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

10 Board Item 28 is consideration of grant awards  
11 for the Local Government Waste Tire Public Education and  
12 Amnesty Day Program for Fiscal Year 2003-2004.

13 Mitch Delmage from the Waste Tire Branch will  
14 make the staff presentation.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Good afternoon.

17 MR. DELMAGE: Good morning, Madam Chair, Board  
18 members. I'm Mitch Delmage of the Special Waste Division  
19 Waste Tire Program.

20 Today I'll present staff's recommendation for  
21 award of the Local Government Waste Tire Public Education  
22 and Amnesty Grants for Fiscal Year 2003-2004.

23 The primary purpose of the amnesty day grants is  
24 to help local governments improve health and safety in  
25 their jurisdictions by removing waste tires from the

1 environment. Discarded tires can be a fire hazard as well  
2 as harboring disease-spreading pests.

3           Additionally, the public education efforts will  
4 teach people about the importance of maintaining their  
5 tires properly.

6           As always, staff makes recommendations for award  
7 based on the scoring criteria and process established by  
8 this Board.

9           Furthermore, last May the Board approved the  
10 five-year plan for the Waste Tire Recycling Management  
11 Program, which allocated \$400,000 for this project.

12           The Board also approved a maximum grant award of  
13 \$20,000 per grant or \$50,000 for up to three jurisdictions  
14 who apply jointly.

15           In past years this grant program was  
16 undersubscribed. However, this year 34 applications  
17 requesting more than \$1,085,000 came in.

18           We believe the increased interest was caused by  
19 three factors:

20           First, the matching fund requirement was removed;

21           Second, staff expanded their outreach efforts;

22 and,

23           Third, local governments are more aware of the  
24 problems associated with the West Nile virus.

25           Of the 34 applications scored, 29 received

1 passing scores and requested \$925,000, which exceeded the  
2 amount that was allotted by \$525,000. The cycle lead  
3 determined that 14 applicants could be awarded at the  
4 current funding level.

5 Furthermore, in 2001, the Board determined that  
6 all competitive grant programs would award funds based on  
7 the geographic distribution of the state's population.  
8 Therefore, the north-south split criteria must be applied  
9 to this grant program.

10 After completing the scoring review process, the  
11 cycle lead sorted the passing applications for northern  
12 California and southern California in descending order of  
13 the application scores. Of the 29 applicants achieving  
14 the passing score, 21 were from northern California and 8  
15 were from southern California.

16 Using the north-south split criteria, staff  
17 determined all 8 of the southern California applicants  
18 could be funded at \$226,510, which is about 57 percent of  
19 the total grant funds; and 6 northern California  
20 applicants could be funded at \$173,490, which is about 43  
21 percent of the total grant funds.

22 However, one northern California applicant would  
23 receive only partial funding because of the limited funds  
24 available.

25 Staff recommends that the Board approve the

1 proposed awards, directing staff to enter into grant  
2 agreements with the applicants identified on List A of  
3 Attachment 2, and adopt Resolution 2003-498.

4 This resolution also provides for approving the  
5 applicants on List B of Attachment 2 should the Board wish  
6 to reallocate additional funds to passing projects at a  
7 later time.

8 This concludes my presentation. Are there any  
9 questions?

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Mr. Paparian.

12 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
13 Just a quick question.

14 A few months ago, I don't even remember quite the  
15 context, but we were talking about the amnesty grant  
16 program. And we talked about the need to develop some  
17 sort of best practices advice to local governments who are  
18 engaging in amnesty days, so that they could learn from  
19 the experiences of others. And in fact I think the  
20 context was the one -- the locality that had a bad  
21 experience with truckloads showing up at their amnesty day  
22 because they didn't limit the number that could come in.

23 Have we made any progress in putting together  
24 anything like that or posted it on the website?

25 MR. DELMAGE: We put together a tip sheet. This

1 was before my time on this program. But since that Board  
2 meeting, we have a tip sheet that we've put together.

3 BOARD MEMBER PAPARIAN: That provides advice to  
4 local governments about what they should do, kind of do's  
5 and don't's, that kind of stuff?

6 DELMAGE: Um-hmm. It's on the Internet.

7 BOARD MEMBER PAPARIAN: Okay. I'm glad you did  
8 that. I'll take a look at it.

9 Thank you.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you. And  
11 congratulations on improved outreach and all the factors  
12 that figured into where we're getting more applications.

13 Mr. Jones.

14 BOARD MEMBER JONES: Thanks, Madam Chair.

15 I'll move adoption of Resolution 2003-498,  
16 consideration of grant awards for the Local Government  
17 Waste Tire Public Education and Amnesty Day Program for  
18 Fiscal Year 2003-4.

19 BOARD MEMBER PEACE: Second.

20 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
21 by Mr. Jones, seconded by Ms. Peace to approve resolution  
22 2003-498.

23 Please substitute the previous roll call, without  
24 objection.

25 It takes us to our last item. And that's No. 29.

1 And Mr. Block will be presenting this.

2 STAFF COUNSEL BLOCK: There we go.

3 (Thereupon an overhead presentation was

4 Presented as follows.)

5 You're being handed out now just copies of the  
6 Power Point presentation that I'm going to go through here  
7 very quickly.

8 Once again it's that time of year to ask the  
9 Board to adopt the rulemaking calendar for the upcoming  
10 calendar year.

11 --o0o--

12 STAFF COUNSEL BLOCK: We've talked about this  
13 before. So what I'd planned on doing is going through the  
14 presentation fairly quickly. So please stop me if you  
15 have any questions. If you have a longer, fuller  
16 discussion of this, I've given you a copy of all of the  
17 slides. But I'm probably going to just hit the highlights  
18 since I know you've got lots still do with the closed  
19 session and the like.

20 --o0o--

21 STAFF COUNSEL BLOCK: But basically once a year  
22 the Board is required by statute to adopt a rulemaking  
23 calendar, listing the packages we propose to be working on  
24 and submitting to the Office of Administrative Law next  
25 year.



1           The upcoming calendar that's before you, it's one  
2 of the attachments in the item, has 25 packages listed.  
3 Thirteen are carried over from last year; 8 of them are  
4 new on this year's calendar. And those are actually  
5 separately listed as well on page 3 of the item.

6           And this list is compiled through input from the  
7 various divisions of the Board.

8                               --o0o--

9           STAFF COUNSEL BLOCK: Just a quick reminder, the  
10 calendar is not designed to lock in the Board. If there  
11 are packages that come up in the course of the year,  
12 whether they're emergencies or even regulations that  
13 aren't emergencies that were not reasonably anticipated,  
14 we can add some to the list.

15                              --o0o--

16           STAFF COUNSEL BLOCK: And that actually is the  
17 very quick presentation for this.

18           As you all are aware, and there were a number of  
19 questions last month, the Governor did issue an executive  
20 order regarding regulations. And I have prepared -- I  
21 know we've given you some information on that. I could  
22 spend a minute or two talking about the executive order if  
23 you wanted a little bit of overview of that, or not. I  
24 just thought since it was the rulemaking calendar item,  
25 that might be appropriate.

1           Pleasure of the Board.

2           CHAIRPERSON MOULTON-PATTERSON: Go ahead.

3           STAFF COUNSEL BLOCK: Okay. Just very briefly.

4 And you'll see up on the screen -- and one of your -- one  
5 of the slides -- is some of the relevant dates. This  
6 executive order was issued just about a month ago. It put  
7 180-day hold on pending regulations.

8           A couple of days later a memo was issued talking  
9 about some exceptions to that. And I'm going to talk in a  
10 minute about the couple of exceptions we've requested.

11           There's also a report due this week on  
12 underground regulations, 90 days out, which would be  
13 February 15th, on our pending regulations and the  
14 regulations we've adopted in the past five years.

15           And I'm going to jump through these very quickly.

16                               --o0o--

17           STAFF COUNSEL BLOCK: But basically the reports  
18 require us to talk about whether we have any underground  
19 regulations. They require us to re-examine for existing  
20 regulations or pending regulations, just to reassess the  
21 impact on California businesses. And we're in the process  
22 of dealing with those.

23           We do have a couple of regulations packages that  
24 we're part way through the process that we have had to or  
25 will be asking for exceptions for. Up on the screen right

1 now you'll see we have two emergency regulation packages  
2 that we're part way through. So we've requested  
3 exceptions for the 180-day period for those so we don't  
4 miss any deadlines.

5 And the C&D disposal regulations, which have a  
6 statutory deadline, we've heard some -- informally some  
7 good things about getting those approved. But as of this  
8 morning we don't have the official sign-off yet. Although  
9 I'm being told that it's moving up the chain.

10 So we're working on that.

11 --o0o--

12 STAFF COUNSEL BLOCK: We do have two packages  
13 that we're part way through, ADC and the Landfill Closure  
14 Loan Program, which we'll be asking for expedited review  
15 since those were pretty much ready to be submitted.

16 --o0o--

17 STAFF COUNSEL BLOCK: One piece of big news I  
18 found out just yesterday and I wanted to also add is we  
19 have had some clarification from the Governor's office.  
20 And they have indicated that this order does only apply to  
21 regulations that had been noticed by the date of the  
22 executive order, November 17th. So the Board had about  
23 half a dozen or so regulations that they'd either directed  
24 staff to go ahead and begin the formal process for or that  
25 we were looking to do early next year but had not actually

1 had the formal notice. The direction we now have is just  
2 to move those forward through the normal process that  
3 analysis will incur in the normal course of events. So we  
4 will not be having to ask for exceptions for those. This  
5 was a memo that was sitting on my chair yesterday. So I  
6 had to quickly update this.

7 But that's good news for us. It's a lot less  
8 paperwork. And for the most part we'll be able to move  
9 through the way we normally do in our regulations process.

10 I'm not going to go through the last three  
11 slides. I just -- if you had had some interest, I went  
12 ahead and included a bulleted list of the various  
13 different regulations just showing where they are in the  
14 process, the ones you've already directed us to start  
15 notice on, the ones that we're probably going to be asking  
16 in the next few months for direction and then all the ones  
17 that are left on the list.

18 So unless you had any questions, I would request  
19 Board adoption of the rulemaking calendar for 2004.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
21 Block. You did a great job.

22 We have no questions.

23 VICE CHAIRPERSON MEDINA: So moved.

24 CHAIRPERSON MOULTON-PATTERSON: And we have a  
25 motion by Mr. Medina to approve.

1 I'll second that.

2 And that's Resolution 2003-495.

3 Please substitute the previous roll call, without  
4 objection.

5 Thank you.

6 That concludes the business of our meeting.

7 We will be going into closed session.

8 Should we take about a five-minute to ten-minute  
9 break and then go right in?

10 Okay. Thank you very much.

11 (Thereupon a recess was taken.)

12 (Thereupon the Board recessed into  
13 closed session.)

14 (Thereupon the California Integrated Waste  
15 Management Board meeting adjourned  
16 at 4:05 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Integrated Waste Management Board  
7 meeting was reported in shorthand by me, James F. Peters,  
8 a Certified Shorthand Reporter of the State of California,  
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said meeting nor in any  
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 30th day of December, 2003.

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22 JAMES F. PETERS, CSR, RPR

23 Certified Shorthand Reporter

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